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DEFENCE

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Sir *THOMAS RUMBOLD*,

BARONET,

Stated by his COUNSEL,

Mr. *HARDINGE*,

IN THE

H O U S E

O F

C O M M O N S.

PART I.



THE
DEFENCE

OF

SIR THOMAS RUMBOLD

BARONET

Stated by his COUNSELL

MR. WARDEN

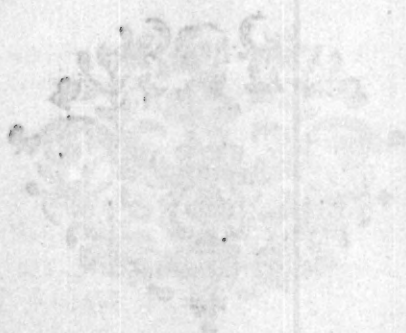
IN THE

HOUSE

OF

COMMONS

PART I.



DEFENCE

OF

Sir THOMAS RUMBOLD, Bart.

Stated by his Counsel, Mr. *HARDINGE*,

IN THE
HOUSE OF COMMONS.

SIR,

I HAVE the honor to be the Advocate and friend of Sir Thomas Rumbold, the party accused, who is held forth by this Bill as a *delinquent of State*, and the object of *Legislative justice*. A description of the offender, and of the Court, alarming beyond measure to every Subject of the Realm; and at least of dangerous import in a *Government by Law*.—It's the peculiar feature of that Government, the charter of its freedom, that every member of it acts upon the good faith of his own covenant, stands or falls by the test of duties which he has imposed upon himself, consents to a rule of action previously defined, and accepts, in return, an implied security that he has no other debt of Justice to pay, Civil or Criminal.

But whatever speculative danger these Guards of innocence against prejudice and power may encounter in a *Political Court*, it is the habit of this House to respect and consecrate those, *rules* I won't call them, but, *principles of Justice*, which Nature has written upon the living tablets of the heart.

Such, and such only, I can venture to affirm, are the leading principles of evidence adopted by the Law of England:—they have deep roots of natural Equity and wisdom; their credit is universal; and they have a policy in them superior to the argument of *State-convenience*,—an argument fit only for Tyrants, whatever shape their power may assume.

“Allegata et probata” are cheating words: the want of a direct and specific averment in the accuser's complaint is a bar to that execrable injustice, the secret opinion of the Judge; and the Accuser's want of proof is an acquittal of the Accused.

Yet, Sir, I am in the memory of the House, whether I have protested against many articles of evidence, *illegal* upon the first blush of them: a degree of abstinence on the part of *Sir Thomas Rumbold*, which has been called *interested*: a singular *interest* of a party accused! that he should wave his protest against *illegal* evidence; which may criminate the purest character upon earth. I admit however that I embraced this line of conduct with pleasure: it *was*, I thought, for his *interest*, because it would leave him two sure grounds of defence. *Illegal* evidence, though received, never can hurt him; this House may be entrusted with it, and it will be the same to *them*, as if they had never heard it. On the other hand, if *excluded*, he could never have disproved by evidence the charge it convey'd. It's his misfortune to fight against lurking suspicions, not against evidence; it's for his advantage that every thing which can breathe upon his character may be adduced, and explored; for, unless my zeal and friendship for him have given me very partial conceptions of the defence put into my hands, not a dust of criminal imputation shall touch his name, when the charge and his answer to it have been compared.

At this Bar, Sir, and the champion of innocence, I meet with firmness the dispassionate Judgement of the public, held in accountable trust by ~~the~~ Representative here: Let it be *Judgement*, and I ask no more; because in this Country I know the Judgement where guilt is alleged but innocence proved; I know, upon dark suspicions of the motive to conduct, refinement of conjecture for purposes of conviction, the sacred rule of presumption reversed, and Guilt its favorite.

But who are the *accusers* of *Sir Thomas Rumbold*? A very dangerous and false Idea has gone forth;—it has been circulated that in the *Secret Committee* those accusers are to be found; and their high political character has been set up in competition against his acquittal.—Sir, the purity of that Committee is insulted by such calumnies. I take the liberty of assuming their intention to vote in Judgement upon this Cause; and from that alone I would infer, that no prejudices of an *accuser* fetter their minds: It's for their honor too, that I should expect from *them* a peculiar guard over themselves against prejudice:

prejudice: acting as a Court of Enquiry, they have heard much *ex-parte* evidence; much of it illegal, and even disowned in a Bill which has no weakness of mercy in it, from the first of its many pages to the last. Their merit by the public will be the same, whatever the rights of humanity and of justice may require of the House, and peculiarly of *them* in their judicial province. They, as a delegated Inquest of the realm, have reported materials of Judgement upon Eastern Politics, which are very complicated, of great importance to the Public, and have been ill conducted; but the moment that an accusation is framed out of those materials, the party accused has a right of commenting upon it, as freely as upon a legal charge.

By this Bill and the evidence adduced in support of it Sir *Thomas Rumbold* is tried.—*Against* this Bill and evidence alone he can be heard: I hope therefore it will not be thought arrogance if I collect the sense of every man who hears me, that no Judge can stir his foot out of those materials, for any purpose of argument or information upon the subject.

I take the liberty of submitting to this House two propositions by way of reasons against the commitment of this Bill.

First, that upon the offences charged, it's neither wise, nor just, nor safe in the Legislature, to shut the Courts of Justice against the accused, and force him to this Bar for his Trial.

The *second* proposition is, that he is innocent of the Charge, and *must* be acquitted by those who stand accountable to the reviewing Judge of every sentence upon earth; accountable to their own conscience, “the divinity that stirs within them;” and accountable to that part of them which must long survive them, to their character with posterity, whose dearest concerns are embarked in every good or bad precedent which they shall form.

I have not yet recovered my astonishment at the insupportable silence of the Accuser's Counsel upon the *first* and most important of these propositions.—What! Sir, do we live in times that a Counsel at your Bar shall open a *Bill of Pains and Penalties*, without a syllable of reason for excluding a Subject of England from the Judgment of his Peers, and the *Law of the Land*?

Is it of course, that when this House, acting as the Inquest of the realm, substitute a *Bill of Pains and Penalties* in place of an *Impeachment*, or any other *Legal* proceeding, the equity of that substitution shall be assumed by the accuser, and admitted by the party accused! Such Tyranny is not the habit of the House: their habit is to hear the equity of their own jurisdiction canvassed at the Bar. I say the *Equity*; for of their power in this motley robe of *Legislative Judgement*, no doubt is entertained; but that power has a discretion respected or abused in every particular experiment. I speak of the House, just as the

the Law speaks of the Executive power, they *can do no wrong*: but it is to do wrong of the worst kind, if they innovate upon the birth-right of the Subject, where no demand of political and summary justice compels the innovation.

I admit a possible Case, in which the Self-defence of the Empire, at a moment of critical pressure upon its peace and safety, may supersede the covenant between the Ruling power and the Subject.—For example, if he tampers with Law by *secret conspiracies*, for the purpose of eluding it, or commits *open violence* upon the Magistrate, these are situations in which the *Arcana Imperii* may be unveiled, and the Legislator sit in criminal Judgement: they are the “*Senatus-consultum ultimum necessitatis*,” which preceded the Dictator of Rome.

This Bill, Sir, is a Dictator self-erected, and self-approved: it condescends to give no reason for its Political appointment, but commands implicit obedience to an act of power.

Is it the only competent or adequate Justice, against an *Eastern Governor*, for his violation of a public trust?—Is it less attracted by the Guilt of a *Western Governor*, of a *Judge*, or the *First Minister* at home?—Yet, against *them*, where are such Bills to be found?

Their mischief in theory is obvious: in the abstract (and a very dangerous abstract it is) the Accuser and the Judge are one! Yet “how misbecoming that fervor in a Judge, which is becoming in an Accuser! A Zeal in *him* for the purposes of conviction, which he believes to be merited, is innocent, and even meritorious: but the Judge gives a calm decision, leans to mercy, pays no compliments to popular clamour, and least of all, pieces up want of *Legality* with “*Convenience of State*.”—Such were the sentiments delivered by an eloquent Member of this House, upon the *Earl of Strafford's* attainder.

A writer, of the ablest modern Commentary upon English Law, resolves a *Bill of pains and penalties* into an act of power, “a new Law for special purposes, not the execution of any *Laws in being*.” He marks with unanswerable argument the necessity of interposing another “*Justice in Parliament*,” between this House, the accuser, and the common rights of justice personated by the accused.

A Right Honorable Member of this House, with whom I have passed the happiest part of my life in the habits of intimacy and friendship, has left, in a legacy to his profession, a censure upon Bills of Attainder, which does infinite honor to his public spirit and humanity: he has given me better words than I could have used: “Attainders are acts of *urgent* and *real* necessity; they never should be decreed by the Ruling power to the mischievous gratification of “Political resentment.”

Bills like these are endless inquisitions. The old acquittal of the Law had words of comfort in it, "*Eat inde quietus sine die*:" but here, ordeal after ordeal persecutes the victim of suspicion; they are bills of *discovery* as well as of *Penalties*.—Popular Calumny is inflamed, the Character is devoted; and then a cold acquittal from Guilt, or an exemption from punishment, is no mercy.

These, I own, are features of speculative alarm; for the Abilities and the high sense of honor, to which I now address myself, are so many securities against an act of oppression: but I call upon those Abilities, and that high sense of honor, to guard our posterity, as well as ourselves, against the danger of precedents injurious to common right.

The point of honor, Sir, is fatally misunderstood, if it be supposed that men, or bodies of men, degrade themselves by imposing guards upon their own frailty against the abuses of power. What has been the dishonor of a recent Self-denial, courted by this House, and passed into a Law? Is an *Election* so important a concern that you are afraid of yourselves in the Judgement of it without an Oath and other humiliating conditions annexed? but is the same Court equal to the Judgement of our *liberty, fortune, character and life*?

Precedents advance; and this Precedent will not sleep: it bears no analogy to former innovations, and the next experiment will take even a bolder step.

The Attainders of *Lord Strafford* and *Sir John Fenwick* were Acts of a Dictator, upon irresistible necessity, and justified upon that ground alone.

The *Pains and Penalties* of *Bishop Atterbury* were calculated for a new offence; and *Conspiracy* was a leading feature of it: the guilt was, if I may so express it, that of *High-Treason, but not capital*; and the Counsel for the Bill said, "that where *Conspirators* carry on their " designs *against Government* with art, so as to escape Legal Punishment, the Legislature should interfere for *the good and safety of the " Kingdom.*"

The nature of those offences affecting the existence of the realm, differs widely from the imputations of the Bill now before the House. But even those offences had better perhaps have escaped with impunity than have been so punished.—*Atterbury's* fate, though it oppressed him, has never stifled the censure of an impartial Posterity.

Lord Cowper's Eloquence and argument will never quit their hold upon the feelings of men who review that measure so accompanied; and *Strafford's* Attainder has been reversed with terms of infamy upon the Record of Parliament.

What a melancholy Evidence of popular despotism in the doctrines of that Persecution! It was held "that evidence would condemn, though *not alleged*;"—and "that conscience would condemn without any evidence at all."—So that here's at one blow an end of the "*Allegata et probata*" essential to conviction by the rule of Law. The Accuser may condemn, by a charge without proof, and proofs without a charge: "It was a Case too big for justice."—"A vein was to be opened," a Limb cut off, and a victim devoted.—"No Law for Wolves."—"Accumulated and constructive Treason" was to be formed by the union of many acts which in themselves "imputed no Treason at all."

God forbid, Sir, that a Legislature of England, in 1783, should re-enact the *Earl of Strafford's* Attainder in this last principle of it, changing only the Guilt of *Treason* for that of *Corruption*.

The original argument of attainders was chaster. *Flight* was the reason for them; the man who *fled* gave Judgement against himself.—The Corruption of the Law practised by *Sir John Fenwick*, in the concerted escape of a witness who had given evidence against him, was marked by the Bill itself as the foundation of it.

The cheat upon the *South-Sea adventurers* was, if I may so call it, High-treason to the commercial faith and credit of the Kingdom:—a cheat practised by those who had exercised an official controul over a fund amenable expressly and immediately to Parliament, which had formed it.—That fund was Bankrupt, and owed Seven Millions at least.—It was a *Conspiracy* to defraud the Kingdom, and ruin many thousand individuals.—It was *notorious* and *confessed*.—Some of the *Conspirators* had *fled*.—The outcries of the Kingdom were unexampled.—All the Counties and Cities petitioned for Justice.—The arrest and attachment of this inordinate profit, acquired by such embezzlement, for the purpose of dividing it amongst the sufferers, was a political expedient, ably calculated for the object that pressed upon the Legislature; in other words, for the revival of confidence in the faith of Parliament.

The later case of the *Charitable Corporation* resembled its model, that of the *South-Sea Company*.—There too it was a *Conspiracy* and a *Cheat* upon the Public.—The *Corpus delicti* manifest.—The Kingdom in a ferment and alarm.—The faith of Parliament at stake;—The adventurers ruined by their confidence in Government, and supplicating at this Bar for pity and redress.

Such are the few Bills of the kind.—Let me ask of the Accuser, and of the House, if they bear the least analogy to *this* Bill? If I am to be told that *Sir Thomas Rumbold's* guilt is too big for Westminster-Hall,—am I to remind the House of *another Justice* in Parliament,

liament, administered by the Peers of the Realm, who form a legal Court, peculiar to misdemeanours of a Political nature, and breaches of public trust?

The Law, when it speaks of the King's *discretion*, corrects and qualifies the word, by adding that it's a discretion to be found in *curia Regis, non in camera*.

There is also a distinction between the *Chamber and Court* of Parliament.—Nor have I yet heard, or think it possible for me to hear, a reason why the *Chamber* is preferred in the case before us.—Here *Corruption* is the chief offence *insinuated*.—In the Cases of *Lord Bacon, Lord Middlesex, and Lord Macclesfield*, that offence was *directly averred*, and the object of an *Impeachment*, which ended in the most exemplary justice.—Does the *insinuation* here make the difference?—God forbid!—*Constructive* and *accumulative* are odious words.—In *Treason* they have been made scourges of oppression by Parliament, which abused a power meant only to operate upon the Common Law, where the Judges might have their doubts.—The 1st of *Henry IVth*, expostulates against these acts of Tyranny in terms of the most pathetic simplicity:—"No man knew how to behave, to do, or speak, for doubt of such treasons."—The application of *constructive* and *accumulative* to other offences never has been attempted by the Legislature till this Bill came forth.—But the severity of such proceedings, and the absolute power of the Court, even if claimed by the occasion, should at least, in the *rules of proof*, be adapted with peculiar delicacy to the *rules of Justice*; for, in proportion as the Court is more high and absolute, the more correct and exemplary should be all its proceedings.

I MUST now, Sir, address a few words to the feelings of the House upon some peculiar hardships which have been suffered by *Sir Thomas Rumbold*:—and, in stating them, touch a little upon his *Character*, which is deeply affected by the charge.

He is an old servant of the India Company.—With a public Spirit which did him infinite honor, he first left the Civil for the Military line, and was uniformly distinguished by *Lord Clive's* approbation.—The fatigues of an active Service, and a weak state of health, obliged him to resume the Civil department.—He rose to a seat in the Council at Bengal; and when *Lord Clive*, in the year ~~1765~~, superseded most of the Council, he exempted *Sir Thomas Rumbold* from their fate, and gave his peculiar merit as the reason of the measure.—He was a Director four or five years.—He was destined by the Company to succeed *Mr. Hastings* in the year 1773.—He was chosen the successor to *Lord Pigot*, in an office of the most arduous trust.—An impending War accompanied him.—He had the disgusted native to conciliate, an exhausted revenue to repair, and a defensive to form against *Hyder Ally's* threatened hostilities, which he was also to avert if he could.—He has never, Sir, in the whole of his public life, received

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one stain upon his honor, till the Company poured upon him their Philippic of the year 1781—Apprised, in March 1779, of all the Political enormities which are now scattered in this Bill, that Company thanked him, at a General Court, for his active and able Services—The King promoted him to the rank of Baronet, for the capture of Pondicherry.—From the period of those thanks and those honors till 1781 (a year and an half) I ask why the Company's resentment slept?—(I shall tell you Sir, before I conclude, why it ever broke out, and why in January, 1781). He has been a faithful and an active Servant—One object alone has animated him, the real interest of his employers—He returns a dying man—What reception does he find?—A dismissal from the service, *before he has been heard*, in direct breach of those very Covenants which the Company say that *he* has violated.

The sentence of dismissal, a calumny and perversion of truth unexampled—It ends with a partiality, which I defy any man living to vindicate or excuse.—One of the Council is only *reprimanded*, though deep in all the supposed guilt of *Sir Thomas Rumbold*. And why? "because he fights well, and is incapable of corruption."—Two other Gentlemen, who have coincided with *Sir Thomas Rumbold* in most of his publick measures, are dismissed with him; but for how long a time? Restored in less than a month, because they differed with him in some few of the measures which the majority of the Council pursued.

The Directors, having published and circulated this anathema, form a powerful body of prejudice against their Victim.—It's generally circulated, that he made the Carnatic War, and then ran away from it.

The remittances of his own fortune precede his return:—a bed of torture is made for them by that cruel inquisitor, popular envy—A Bill in Chancery hangs over him—A Committee of this House begin to sit upon him—A Restraining Bill is enacted for the declared purpose of making his fortune amenable to *Justice in Parliament*.—Sir, I protested against that Bill, for which no model could be found, but the case of the South-Sea delinquents: I took the liberty of marking the difference, by urging that guilt was there *confessed*, the amenable property forfeited, and the view of the Bill only to ensure the fund.—I went farther, and used an argument, which, I am sorry to say, was prophetic—I said that if the Inventory should be *large*, it would give colour to the insinuated charge of corruption—if *small* in comparison to the general report, perjury would be *suspected*, as the guilt of it, and *that* suspicion would be circulated. Need I lament the calumnies which at this moment form the loud whisper of the day, or express my firm persuasion, that no member of this House will give his ear to them? The Remedy against all *suspicion* of an evasive *account* is open to Parliament; and if any single Judge thinks it incomplete, this Bill should not proceed before the suspicion is refuted or confirmed.

Orders have been sent by the Directors to the East; orders which I call by no other name than libel and subornation of evidence: they bribe the
Informer

Informer by offers of a share in the corrupt practices which he shall bring forward, and they mark the Corruption as *believed*, though not *proved* in form. Two years of prosecution hanging over his head, have disquieted every anxious moment of a feeling mind, as irritable as that of any man who hears me, in its jealousy of honor.

He has been indiscreet: he offered his defence prematurely—the Committee refused the offer; but the Bill has ungenerously caught up certain parts of it, omitting the rest, and mutilating even the extracts.

At last, he is to defend himself against *this* Bill—Such a Bill as would oppress the purest virtue—Such a Bill as the worst character that ever called itself human, could not have merited.

THE offences charged (if stripped of the invective) are definite, except the Sin of impolicy, which has no business here, unless where it marks a bad motive to the act, and has produced consequences injurious to the public.—Let us analyse the Guilt.—He has disobeyed the orders of the Company.—He has neglected his duty, as President of the Council at Fort St. George.—He has committed acts of oppression.—He has violated the public faith.—He has been corrupt.

Why not proceed at Law upon these Charges? Was *this* Court preferred, because no *legal* evidence could be found? I am bold enough to affirm, that I believe it was—because, I observe, that illegal evidence forms many allegations of the Bill: we are told that every allegation must be verified and proved, be it ever so inapplicable or unjust in its effect upon the Charge; and the Counsel has improved upon this Idea; for *he* says, that every allegation criminales, and the House must not presume that it has no sting, or has thrown away any of its venom.

By these Doctrines, all the calumnies which malevolence can form—all the suspicions of an inquisitor, may be parts of this Bill; and *Sir Thomas Rumbold* must vindicate every passage of his life against them, as well as he can.

Amongst the various articles of *illegal evidence* foisted into this Bill, can I omit the “*opinion* of certain Witnesses to the Guilt of *Sir Thomas Rumbold*?” He is accused of doing what the Court of Directors *disliked*, and the subordinate Councils *disapproved*.

Can I omit the Corruption of a Servant, which, though he's not even *called* his accomplice in the Bill, is made *his* corruption by the argument: the burthen of proof is reversed, and *he* must prove that he was *not* corrupt.

But I hasten to the fair point of every man's feelings upon the subject—Let me ask the individuals who form this Court, ask them as *men of honor*, whether they have not been impressed, I will not say

with prejudices, but with strong opinions against every Eastern Governor who has made large acquisitions to his English fortune?

Let me ask them as *Judges*, whether, if *Corruption* were out of the way, they feel themselves equal to the subtle argument of policy which the Bill imposes upon them?

Let me ask them as *Legislators*, if they consider the measure of devoting this Victim for the sin of *impolicy* alone, as generous or wise?

No, Sir: it's the suspected and insinuated *corruption* which taints every part of the conduct here dissected.

If a bad motive is wanted, *corruption* is at hand: that figure of Guilt is always ready to fill up the nich.

I RETURN to the Bill: it's, in many views of it, an act of oppression;—it's partial, intricate, out of temper—it's irrelevant.—It states many facts which point at no charge, or criminate other men.—It contains many palpable falsehoods,—many half-truths (which are even more pernicious),—many essential inaccuracies of argument.

The mercies of it are cruel.—It states, that such an article of conduct was "*highly improper*"—a second "*particularly culpable*"—a third "*precipitate*"—a fourth "*contrary to practice*." Are *these* Crimes for a Bill of Pains and Penalties? No:—but "*Juncta juvant*" is the charm which binds them together.

Effects are cruel and false arguments of Guilt in the measure which produced them.—Here, however, no one injurious consequence is marked by the Accuser, except *Hyder Ally's* invasion of the Carnatic;—the cause of which is at least a political problem, admitting of many solutions.—I shall have occasion to demonstrate hereafter, that *Sir Thomas Rumbold* was not the cause of it, was an enemy to what he believed the cause of it, and marked his enmity like a man of honour, though it provoked a nest of hornets, who would now sting him to death if they could.

The *tendencies* of this or that measure to injurious consequences are not proofs of Guilt, unless it is impossible for two men to differ upon them.

The *disobedience of Orders* and *breach of Covenants*, are not of course criminal *here*, and may be virtues: for example, if the motives were good, and the consequences useful to the Public; if the orders were impolitic, or unjust; if the Covenants were too strict and penal for an implicit performance of them, without injury to the superior covenant of justice to the Company's interests.

Are the India Company always right? Is every order of theirs clear? Do their Councils never fluctuate? Are they witnesses *against* the victim of their prejudice and resentment, but no witnesses *for* him?

"But Sir Thomas Rumbold (it seems) *disregarded* the Spirit of Orders; he neglected his *duty implied*, and he broke an *act* of Parliament."—These are sins of *construction*; yet no allowance is made for an ingenuous, though misconceived opinion.

"The Council of Madras quarrelled with Bengal:" Which of them was right?

The rest of the Council co-operate with Sir Thomas Rumbold; "it's influence."—"The minority are against him;—one of them is against him; it's tyranny that he perseveres."

"He oppresses ~~the~~ the Zemindars;" and "he courts their favor, corruptly courts it."

"He is rich, and must account for every sixpence."—A doctrine perfectly new!

The Corruption insinuated against him is of this kind.—"An Act of the whole Council is, by the Bill, represented as the result of *Corrupt Practices*." How the result of them? *What Practices?* *Whose Practices?* The perfect innocence of Sir Thomas Rumbold is consistent with every word of this allegation.—*All* the Members of the Council, but *himself*, may have been corrupted; or all of them, though incorrupt themselves, may have been influenced by others who *were* corrupted.

Bribery, Sir, and *Extortion*, or *Peculate*, are offences capable of *direct averment* as well as proof.

Lord Macclesfield's *impeachment* is a contrast very humiliating to the honor of this Bill.—It states corrupt practices with minute accuracy of detail, and the most pointed allegation.

In the case of Lord Middlesex, the record informs us "That for his *briberies*, *extortions*, and other grievous misdemeanours, in his offices of Treasurer, and Master of the Wards, *no suit being in any of those cases depending*, after *evident proof*, and often hearing of the cause, the Lords deprived him of every office which he held in the Kingdom, declared him incapable of office or employment, imprisoned him during the King's pleasure, fined him £.50,000, banished him from Parliament, and the Verge of the King's Court."

In the Case of Lord Bacon, one of the reasons assigned for not proceeding against him at this Bar is, that the Commons cannot administer an oath.

As to the rest of the Bill, it's a collection of hard names, which the bitterest advocate would be too generous to adopt.—The figure of the party accused, as it stands in this Bill, is like that of Deiphobus in the *Æneid*,

———*Laniatus corpore toto—*
Ora, manusque ambas—

The Counsel for the Bill, however, to their honor, have deserted their prompter in that respect, without prejudice to their zeal; they have remembered the delicacy which is due to the accused; they have marked the liberality of their own sentiments; and proved themselves no less men of honor, than able advocates.

In every word and syllable of this voluminous composition, *Sir Thomas Rumbold* is to pick out his own crimes;—here his conscience makes him dull; but if he says nothing, where he discovers no charge, “You don’t explain it,” says the accuser to him.—If he is forward in those explanations, “he puts the cap on his head.”

Every allegation stabs him in the dark, as fancy and malevolence together point the weapon.

The Certainty of Charge required by the Law is not of a technical nature:—It guards the accused against a Case, by surprise, which the accuser had not pointed out; and the attention of the Judge against that perplexity which arises from an artful combination of loose indefinite materials.

I conjure the House to weigh these preliminary objections; but, above all, I conjure them to resist the dangerous topic of *State policy*, while they sit in *Judgement* on a charge of so penal a nature.

Hitherto the argument is applicable to the equity of the Jurisdiction, or to the singular frame of this Bill.

But I don’t rest upon it as forming a conclusive plea in bar, though I *do* rest upon it as giving a just alarm to the House, and as requiring, at least, their jealousy against all new experiments in *the rule of proof*, under circumstances of such peculiar severity, if not oppression.

MY defence of *Sir Thomas Rumbold* upon the *Facts*, will derange in one respect the order of the charge;—for I shall begin, by disproving *the corrupt influence* to which his political measures have been referred; because no Judge, while the *suspicion* of that influence hangs over his mind, can fairly decide upon the guilt or innocence of the measures themselves.

Yet, though I *shall* vindicate him at this Bar against the calumnies of unauthenticated Suspicion, I desire to have it understood, that if I

were his Advocate in a Court of *legal justice*, I should put him into the hand of his best Counsel the Judge, for his defence against a Charge which defeats itself by stating, as the sole ground of it, evidence which the *Law* would refuse to *bear*, for the purpose of criminating a party accused.

But the honor of *Sir Thomas Rumbold*, and the respect which the owes to the jealous eye of the Public, urge him to vindicate all his actions against an argument which no *Judge*, unless he sported with his oath, would have suffered his prosecutor to name,—the argument of constructive Bribery formed upon illegal evidence.

Three times, in this Bill, he is *argued* into the *suspicion* of a *corrupt motive*.—It is never stated as a *fact*, proved, or destined for proof, that he was directly and personally corrupted.

Here I make one general remark, as applicable to all the parts of the Bill which insinuate corruption:—At a distance from *Sir Thomas Rumbold*, the facts are stated with accuracy and clearness; but, in proportion as they approach him, they become loose and obscure.

For example, the charge of the supposed agreement between *Sitteram Rauze* and *Sir Thomas Rumbold's* private Secretary, is particular and complete; but when the corruption of *Sir Thomas Rumbold* himself is first brought upon the carpet, how does it criminate him! “A certain Act, in which the Council of Madras were unanimous, was *brought about by corrupt practices*.”

I again remark upon this allegation, that it may be verified, and yet not prove *Sir Thomas Rumbold* guiltier of those *corrupt practices* than myself, or any man who hears me; for if all the other Members of the Council were corrupt, or the majority of them, or the casting vote alone, or the Secretary alone, who, without apprising the Council of *his* motive had urged them to the measure; it would still be “a measure *brought about by corrupt practices*.”

Twice in the Bill it's presumed, upon illegal evidence, that *Sir Thomas Rumbold* was bribed for special purposes which are stated; and it's *once* inferred by the lump, from his remittances to Europe, or the mode of them, that he has made a corrupt acquisition to his property.

When I state these *three* articles of *insinuated* corruption, I am not sure, that I should not for *three* substitute *three hundred*. The Counsel for the Bill, after stating a variety of measures pursued by the Council of Madras, told us, that “*many*” of them were offences of *peculation*; and such is the danger of insinuating guilt, that “*a hair may kill*”—I am, however, too dull for the discovery of more than *three*.

First, He was bribed by *Sitteram Rauze*.

2. He was *bribed* by the *Nabob of Arcot*.
3. His remittances were in general formed by corruption of one kind or other.

I SHALL begin with *Sitteram Rauze*.—The Charge, as the Bill itself analyzes it, has three parts.

First. “ *Redhead* was *private Secretary* to *Sir Thomas Rumbold*.” Agreed:—[the Counsel indeed superadds the epithet of *confidential*; but has not proved any peculiar *confidence* between them, independent of that which is attracted by the office.]

2. “ *Redhead* engaged, by a corrupt agreement with *Sitteram Rauze*, that *he* would cause four propositions to be obtained.”

3. “ *Sir Thomas Rumbold*, acting as President of the Council at Madras, recommended at one time *three* of these propositions, adding another not stated in the agreement; and, at a later period, he recommended the *fourth* proposition—He gave his reasons to the Board for these measures: the Council approved of them, and an act of the Board gave them effect.”

Inference—“ That *Sir Thomas Rumbold* and *all* the Council at Madras were parties in this corrupt agreement.”

I can scarce mark the peril of indefinite charge and irrelevant evidence better, than by stating the manner in which the accuser's advocate fancies that he has brought this corrupt agreement home to *Sir Thomas Rumbold*.

One should naturally have conjectured the insinuation of the Bill to be this—that *Sir Thomas Rumbold* either had a share in the lack of Rupees, or had the whole of it. No—the Servant had the whole of it; and the Master had, whatever the *Rule of Three* can give to him. “ If the servant had a lack of Rupees, what had the *master* ? ”

The most refined ingenuity could not have dreamt of this expedient; and yet the Counsel says it would be an argument which he would use to a Jury at Guildhall.

That Counsel is famous for his *wit*; but he will excuse me, if upon this occasion I consider him as guilty of no *wit*, but that which *Locke* has pointed out by saying, “ that *wit* presents a picture to the fancy, “ and assembles images together which have no obvious or true similitude.” In proportion, therefore, as these resemblances are less obvious or true, the *wit* is improved; and upon that ground the wit of this allusion is perfect.

Why not prove the adultery of the Wife by the intrigue of the Maid? The *rule of three* gives the ascending scale for the benefit of such an argument.

Why

Why not prove the corruption of the Master through the Servant of the Servant? It's only to estimate the comparative distance of rank between them, and the sum will be found.

I must here take notice of the singular manner in which this agreement has been adduced as an article of evidence.

Nothing is offered as proof that such an agreement was ever executed, but an English paper without signature, and attestation found in *Redbead's* custody at his death, and calling itself the copy of an original in the Gentoo language.—That such an original ever existed, there is no proof; and if the original was here, it could be no *legal* evidence against the party accused.

How then is it made evidence *admissible*?—Thus: “Every allegation of a Bill, *material*, or *immaterial*, must be verified—a paper which purports to be the Copy of an agreement with *Redbead*, is good evidence as against *him*, and consequently, good evidence of a fact which criminales him, as this fact clearly does: it's therefore good evidence of the fact so alleged.”

The rule of evidence is thus relaxed by a *fiction* which assumes, while this paragraph proceeds, that *Redbead* is the party accused.

But against whom is the evidence, thus given, received? Against whom will it operate?—The House have said “not against *Sir Thomas Rumbold*, unless the accuser proves him an accomplice.”—The accuser's Counsel has told us, that every allegation criminales the party accused, and that nothing alleged is to be thought nugatory.

I deny that it's evidence against *Redbead* himself; it's no confession that he *executed* a corrupt agreement. *This* agreement may have been *unexecuted*, and remained the subject of *treaty* alone between *Sitteram Rauze* and *Redbead*; or it may have been only offered by *Sitteram Rauze*, or meant only to be offered by *Redbead*.

Much less can it be evidence against the supposed accomplice named in it—for even, if considered as a *Confession*, it can be no evidence against an accomplice; the *Conviction* is evidence against him, because that is legal proof of the fact against the party convicted.

But how is the agreement between these parties evidence against the only person who is to be affected by it here?

I don't ask any *technical* Rule; but those principles which are essential to confidence and good faith between man and man, State and Subject; I ask the feelings of every good heart, and the policy of an able Government, if these wire-drawn presumptions can ever be honorably or safely received as testimonies of Guilt?

Suppose a depending suit at the Board of Treasury—call it even a jobb, if you please :—the First Lord recommends it ; the Board agree with him ; and it comes out, that his private Secretary was bribed by the suitor.—Is the First Lord criminal, as guilty of that bribe, and so criminal, as to make it necessary that *you* should punish him at this Bar ?

Put the Case of a First Minister at the time of his treaty for a Peace. One of the Belligerent Powers who makes a point at our Court for this or that concession, bribes the Minister's *Commis*, or Political servant of any kind, with a view to it.—Is the Minister *corrupt*, or, in other words, guilty of high treason, because the Servant undertook to obtain what the Minister afterwards proposed, and the Cabinet Council adopted ?

Put the case of a Judge :—*Lord Mansfield* has decided a Cause erroneously in the general opinion, ~~and with the sanction of the Court~~
~~and with the sanction of the Court~~

It's proved that his Marshal was corrupted by the successful antagonist—Would the House call that Great Judge to *this* Bar, and make *him* answer for his own servant by the *rule of three* ?

The Case of *Lord Bacon* was bribery passing through servants to the Chancellor himself ; but who dreamt of proving *his* corruption by *theirs* alone ; or of calling upon *him* to disprove a connection between them and himself, in the Guilt, which the accuser had not been able to fix upon him ?

Presumptions *against innocence* are somewhat new ; but *these* are more subtle and refined than presumptions ever have been, with any effect *in favor of innocence*.

First, it's *presumed*, that because *Redbeard* was private Secretary to *Sir Thomas Rumbold*, he possessed *all* his political and personal confidence.

2. It's *presumed*, that *Sir Thomas Rumbold* [and the Council] were apprised of his partiality for *Sitteram Rauze*.

3. It's *presumed*, that *he* prevailed upon them to pass a resolution for the benefit of *Sitteram Rauze*, in the articles enumerated.

4. It's *presumed*, that *Sir Thomas Rumbold* knew it was a corrupt agreement which induced the partiality of *Redbeard* for an accomplice in that corruption.

5. It's *presumed*, that it was, in truth, a corrupt agreement for the benefit of *Sir Thomas Rumbold*, through his private Secretary, who alone was to appear in it.

6. It's

6. It's *presumed*, that all the rest of the Council were corrupted through him, or with him, by means of this agreement.

7. It's *presumed*, that he *chose* this mode of corruption, which exposed him to a Servant, in preference to a more direct, and a safer intercourse with *Sitteram Rauze* himself.

8. It's *presumed* that all the Council were corrupted in proportion to a lack of rupees (the sum engaged for the Secretary of their President) by the *Rule of Three*.

Here too is one of many attempts in this Bill, to impose the burthen of proof upon the accused.

Master.
“ The Secretary is corrupt—His ~~name~~ is a party in that corruption, till he can disprove the intercourse between them, as “ accomplices.”

To all these new and singular experiments of Suspicion, I give a short and simple answer.

At the time of this corrupt agreement the Secretary had lost the only confidence which his employer had ever placed in him, a confidence official and peculiar to his department.

In a very short period of time after the date of this agreement—he was totally discarded from the service.

That is not all : he was accused by “ *this accomplice*,” by *Sir Thomas Rumbold* himself ; and his discovery of the corrupt intercourse between them was provoked.

The Inquisitor may reply upon us here, and say—“ This quarrel “ was a *finesse*”—I give him joy of the argument, and leave him in possession of it.

This agreement was executed, if at all, upon the 1st of July, 1778.

On the 20th of July 1778, *Sir Thomas Rumbold* proposed *three* of the *four* measures, (adding another and more important,) but omitting the *fourth*.

During this period no confidence existed between them ; and the Secretary complained in private letters to his bosom-friend, that he was not favored with *Sir Thomas Rumbold's* confidence.

“ *Finesse* again ! These complaints were concerted and suborned.”

He complained at a subsequent period, that he *never had Sir Thomas Rumbold's* confidence.

“More finesse!”

Upon the 11th of August 1778 he was dismissed: the *Fourth* measure was not even suggested by *Sir Thomas Rumbold*, or laid before the Council, till the 4th of October, and then, apparently at the request of *Sitteram's* brother *Vizeram Rauze*, the party most concerned in it.

When the Bill states the coincidence between the *four* measures which *Redhead's* agreement engaged him to obtain, and those adopted by the Board, including a *fifth*, no part of that agreement, it uses a very singular phrase, much in character with so novel a Bill—it says “that in *substance* this was a *direct pursuance* of the agreement.”

“First, I don't perfectly understand “a *direct pursuance* of an agreement in *substance*.”

Nor, *secondly*, can I at all guess how it came to pass that *Sitteram Rauze*, having omitted his appointment as Dewan to his brother in the corrupt agreement, obtained it from the Council; unless they were of opinion that it was a measure of sound policy:—nor can I form a judgement of the reasons which induced them, if accomplices in the corruption, to defer *the restitution of the Fort*, one of the measures expressed in the agreement; especially as it seemed a very obvious temptation to *Vizeram*, for his consent, that his Brother and he should be reconciled.

Upon the “*Restitution of the Fort*,” the Counsel for the Bill has only to say, that after the reconciliation “*Vizeram* was “got into the “*humour*” to petition for his Fort.”—Here, as in every third syllable of the charge, guilt is preferred and presumed.

The Counsel talk of a “*miraculous conformity*” between the measures of the Council and *Redhead's* promises for value received.

“It would, I agree, be miraculous, and a circumstance very suspicious, if the measures were new, or unjust, or could only have been communicated by *Sitteram* through this Corrupt agreement.

But what, if they appeared upon the Records of Madras the object of recent approbation?—What, if the policy and justice of them were obvious?—What, if the Board had it then in view to counteract the intrigue of the Subordinates affecting this Family and these measures in particular?

Why corrupt the Servant if the Master was corrupt?—The Inquisitor will say “the Servant was dubbed the Knight of the *Golden Spur*.” But *he* could not use that spur; and *Sitteram* would have known that he could not, if he had formed a direct intercourse with *Sir Thomas Rumbold* himself.

I would

I would argue thus from the indirect attempt by *Sitteram Rauze* through the Servant upon the Master, (if the agreement *had even that* object in view): *First*, that he, the Corruptor, had no direct influence over the Master:—2. that he considered the Master as no accomplice of the Servant.

But what *is* the agreement? Read the words of it—No promise of money to *Sir Thomas Rumbold*—no engagement on the part of *Redbead* that he will attempt the use of any ascendant over *him*, for the purpose in view—He engages only for himself in general terms, that *he* will cause the four propositions to be obtained.

Yet if *Sir Thomas Rumbold* was a party in the agreement, or so given out by *Redbead* himself, the use of his name would have been a very obvious expedient; it would have intitled the Secretary to a better premium, and yet would not have exposed or committed *Sir Thomas Rumbold*, if his privity in the contract was to be a secret.

“ But how could *Redbead* alone induce the Corruptor to intrust him?—and how could he *state* the Four propositions if he had not *Sir Thomas Rumbold's* confidence in this very agreement itself?”

I answer by another question: Is it impossible that a Secretary of *Sir Thomas Rumbold*, though not in his particular confidence, may have discovered, either from his papers, or from conversation with others of the Council, or from the obvious policy of those measures, and the recent approbation of them upon record, that *Sitteram Rauze* would succeed in them?—Is it impossible that, apprised of that information, or conjecture, he should start many difficulties to *Sitteram Rauze*, and make a merit of his own abilities in counteracting them?

That *Redbead* was a Cheat of this kind, and that others were so duped by him, we shall prove in his conduct by the *Nabob of Arcot*.

“ Sir, I would here trouble you with a part of Mr. *Petrie's* evidence, who was the Secretary's confidential friend and Executor—He is a witness called by the accuser; and he has told the House “ that he “ never saw, knew, or heard of any circumstance from which he “ collected that *Sir Thomas Rumbold* had the least knowledge of the “ corrupt agreement before the Secretary's death.

But we are told “ that he knew of it after his death, and concealed “ it from the Company;—that he sat upon it as Judge of Appeal from “ the decision of the Mayor's Court, which had given the lack of “ Rupees to the Executors; that he reversed that infamous Judge- “ ment—and so far did right; but that he buried all those proceedings “ in oblivion, for the purpose of screening his own share in the guilt.

It's impossible to be serious in the answer to this charge. *First*, he concealed what he had no power to conceal; for those proceedings are not under *his* controul.

2. He concealed what he communicated; for the charge of his privity in the corrupt agreement is built upon the Company's notice of these proceedings in the Mayor's Court, sent, in course, by *him*.

3. As to his merit of reversing the Judgement, coupled with his demerit of concealing it; the argument is much too deep for me.—If his plan was to conceal, why should he reverse the Judgement, especially if he could prove to the Executors, that *Redbead* acted for *him*, and the lack of Rupees was therefore due to *him*?

But he disclaims all this merit of reversing a Judgement for a lack of Rupees.—The Appeal was upon *form*; and though it appears that the Corrupt agreement made a part of the Records transmitted by the inferior to the appellant Court (which may bind him strictly with *judicial* notice of it)—in *fact* he was perfectly ignorant of it—Yet suppose him, if you please, acquainted with it: what then!—"He concealed the appellant proceedings by which *his* knowledge of the agreement would have appeared."

Here again I *first* answer, that he *could* not conceal them—but, (2.) I shall prove that he put them on board the first Vessel that sailed for Europe in the regular course and habit of the service.

But, (it may be said) "why not proceed upon this information?"

Against whom? Against the ashes of the departed Secretary?—I never heard *they* were liable to a *Bill of Pains and Penalties*—nor could the Government have prosecuted the Secretary if alive, as he would not have been a servant of the Company; and *their* interference against those who are not their servants, had been uniformly disapproved at home.

Having proceeded thus far upon the corruption of *Sir Thomas Rumbold* by *Sitteram Rauze*, one should think him safe against any imputation arising from the Secretary's connection with him in that concern.

But another argument has been circulated out of doors, and may reach the Members of this House:—"The Bill has no purpose to connect *Redbead* and *Sir Thomas Rumbold* as accomplices; but it states this corruption confined only to those who appear in it—as an article, in specie, of that general pillage to which the Zemindars were exposed by their Journey to Madras; a measure of *Sir Thomas Rumbold's* Government, and an offence for which he must answer to the Public."

It's forgot by this ingenious refinement, that *Sitteram Rauze* was found at Madras by *Sir Thomas Rumbold*, and had come of his own accord.

It's forgot that he was no Zemindar, but a Company's renter of their own land.

It's forgot that he came from the Subordinates, who are called "*gross peculators*" by the accuser himself,—peculators, by concealing whose corruption Sir Thomas Rumbold has, it seems, committed another offence to the Company, and the Public.

But how am I to be sure that the House will adopt this confined use of Redbead's agreement?—The Bill insinuates deeper guilt;—it means to fasten upon the party accused a suspicion, at least, of his corrupt privity in that agreement.

One of the Counsel indeed, with a manly concession, much to his honor, said, in so many words, that "*Redbead's Guilt* was not "*Sir Thomas Rumbold's Guilt*, and that no evidence had connected "*them in this agreement.*"——He too was the Counsel who closed the evidence, and who told us truly, that *his* peculiar province was to mark which of the Charges were proved.

Yet the Counsel who opened the Bill had informed us that every part of the "*allegation respecting the corruption of Redbead, meant*" "*a charge of Sir Thomas Rumbold's corruption, or meant nothing*" (in which alternative he spoke with accuracy); but he added, "*that it should be rather supposed an efficient than a nugatory charge, because allegations are not put into such a Bill for nothing, and must not be considered as thrown away.*"

BUT, alas!—Insinuated corruption is never to end—I am now to make a defence against another suspicious fact, and collateral evidence of the same Corruption.

I pick it out as an insinuated charge, because the position of it in the Bill forms a chain of argument.

We are told in the Bill, between the allegation of Redbead's corrupt agreement with Sitteram Rauze, and that of the Resolutions by the Council (which are connected with it), "*That Sitteram Rauze made remittances before March 1778, of a considerable amount, in corn and specie.*"—We are farther told, "*That Sir Thomas Rumbold, and the Council at Madras, had notice of those Remittances.*"

It seems the Subordinates, early in 1778, wrote a letter to the Council at Madras, accusing Sitteram Rauze of those remittances.

Is that Letter proof of the fact? Sitteram Rauze, when challenged with it, said it was false,—Thus far it stands upon assertion or denial, and the respective credit of each.

But who are the Subordinates? One of the Counsel for the accuser shall tell us:—Those very Subordinates whose *représentations* according to him “weigh not a feather.”

That is, however, only general; but they had a peculiar and marked *interest* upon this occasion—the interest of spleen, arising from the fear of disappointed intrigue, and from a recent victory of the Council at Madras over them, in a competition between *Sitteram Rauze* at Madras, and *Padnab Rauze* at the Subordinate, for the Lease of the *Havilly*, a part of the Company's land in the *Chicacole* district.

Sitteram Rauze was a tell-tale against them—He could not be too much discredited.—Accordingly, the whole turn of this letter, and of another a little prior to it, marks the influence of that spirit; nor can I produce in the cause a more decisive mark of their intrigue and partiality, than a charge which in this letter is thrown upon *Sitteram Rauze*—it is, that he owes a *fortnight's* arrear, which *they* state as a very alarming circumstance; while the annual value of the Zemindary lands was a sum out of all proportion to his rent, in this very Subordinate, and, in consequence of their misconduct, was a year in debt.

Many other suspicions taint this account.—No amount of the Corn and Specie compared and ascertained—The Corn may have been the most considerable part of the remittance.—Madras *happens* to be the market for Corn from the Northern Circars—and this *happens* to be the natural time of the year for exporting the December crops to that market.

The letter states him to have collected £.13,000. from land which he had scarce begun to occupy; for he was not let into possession till January.—It's almost, if not quite impossible—at least it must have been the result of extreme oppression over the Cultivators of the Land; and it was the duty of the Subordinates to check that oppression.

They are aware of this obvious argument, and fence it off by the fallacy of stating, that, as the Lease was granted at Madras, they had no controul over it.—The fact is, that *all* the Leases are made out at Madras.

But what concern had *Sir Thomas Rumbold* in those Remittances?—They had been dispatched before he arrived at Madras.

Why remit for any corrupt purposes? why not for his expences at Madras incurred since the November preceding? why not for profit by the sale of his Corn, with a view to the improvement of his revenue? why not for both?

He confirmed his own credit, when he denied the fact, by adding that he had ordered the first Payment of his Rent; for that Payment was made in two months after the remittance arrived.

What's the inference?

Either that he made no such remittance to Madras, or, if he did, that his view in it was either to enable a future Payment, or to reimburse a sum which he had invested, for that purpose, in the hand of his agents at home.

I HAVE all along stated these insinuated articles of corruption as reaching every member of the Council—The Bill indeed often *states* the peculiar *activity* and *influence* of Sir Thomas Rumbold over them, but no *proof* is given of it—If there is a difference between him and the other members of the Council, *their* influence over *him* is the more natural supposition.

The Bill, indeed, says they built their judgement upon *his* report and *his* opinions: but they had before them all *his* materials and more—The Records of the Company were open to *them*, as they were to *him*: they had oftener inspected them, and had better local knowledge of the subject—Five of them had been employed in subordinate stations—Two of them had recently recommended upon record three of the four propositions which the Secretary was to obtain—Two of them had recently acted as members of the Committee of Circuit.

What is activity and influence?

Is it the exertion of Duty, or the ascendant of ability and Character?

If Sir Thomas Rumbold, as President, had a more special trust reposed in him, why in the next breath are we told that he was no President, and should only have acted as one of the Council?

As President, it's his peculiar duty to lay propositions before the Council, and give his reasons upon them—In every act which is made *his* crime by the Bill, he has performed this duty—he performed it in the articles before us. The Board agreed with him, and without a dissentient voice. It was from that moment an act of the Board, as much as it's a resolution of this House, for which *the House* are to answer, though a motion of an individual member brings it forward, and recommends it with success.

Did Sir Thomas Rumbold bully the Council, or corrupt, or cheat them? They are as criminal as himself, if that is true.

But mark the time, in which this undue influence takes its birth. Lord Pigot had just been recalled for his Tyranny over the Council—A new Council is formed with a right of controul over their President;
a controul

a controul, not only better ascertained, but guarded and secured.—Such an independent Council, India never saw—Their salaries were fixed; they could receive no appointments to office and emolument, as their President's gift.

He had nothing, as *President*, but a painful pre-eminence of laborious duty, in preparing the materials of judgement, and putting them forward.

Yet when so shackled he offers his first proposition, which the Council, thus independent of him, *unanimously* approve, the Bill calls it *his* act, though his orders tell *him* it's *theirs*, and must ever be so considered.—Yet, when he differs from any *one* member of the Council, he is a Tyrant if he perseveres.

The unanimity of his Council is, in fair argument, a very powerful sanction to the measures which he recommended, and the Board adopted.—It's not enough to say the rest of the Council *may* have been corrupted, *may* have been cheated, &c. *Prove* the corruption, *Prove* the cheat; but, up to the moment of your proof, give *him* credit as well as *them* for their genuine opinions.

IF I have thus proved that no corrupt motives induced *him* to recommend, or the Council to adopt, the four measures which are stated in the agreement between *Sitteram Rauze* and the Secretary of *Sir Thomas Rumbold*, I could there close the defence of these propositions themselves; for the *internal* merit of them is not arraigned, though to one of them (the reconciliation of the two Brothers) another external objection is urged, affecting the *manner* of it alone.

But I shall vindicate every one of the measures, and a fifth proposition (the appointment of *Sitteram Rauze* to be his brother's Dewan) which is not contained in the agreement, but connected with it by that singular phrase of the Bill, “ a direct pursuance of the agreement.”

I shall prove *all* these measures to have been wise, honorable, and just arrangements, for the Company's interest.

Here the argument of innocence operates reciprocally between the *motives* and the *acts*: if his *motives imputed* are disproved, I infer, by the rule of evidence, that his *real motives* were blameless at least, if not meritorious,—it's not therefore likely that his *measures themselves* will dishonor him: on the other hand, if the measures themselves are to his honor, the *motives* to them are not likely to have been criminal.

In truth, so obvious was the political necessity, as well as justice of those measures, that it required consummate artifice in the Secretary to represent them (which I suppose him to have done) as attended

tended with any hazard of their execution:—But that he *had* consummate artifice will soon appear.

FOR I am now come to that corrupt influence of the *Nabob* over the Council (*unanimous* again!) by which he obtained from them a Lease of the *Jaghire* land for three years.

Here I thank and blefs the reluctant mercies of the accuser, who, by extending his calumnies to this article of refinement upon the doctrine of suspicion, has enabled me, not only to disprove it, but mark, at the same time, the danger of deserting principles which affect the competency of evidence.

He has also enabled me to expose the character of this notable Secretary in its genuine colours, upon a subject in which the party accused by this Bill *could* have no concern.

Here too (which is a little whimsical) the averment is bolder, though its ground is weaker even than it is upon the other article of corruption.—*There Sitteram Rauze* is connected, through the Secretary's agreement, with all the Council; but the connection is only *insinuated*.—Here the Bill states *expressly* the *Nabob's* offer to the Secretary, as a circumstance which "*affords* *reason to suspect that his* "*Lease of the Jaghire was corruptly obtained.*"

The Counsel for the Bill often reminds the House of *Sir Thomas Rumbold's* "*wonderful predilection for the Nabob*"—He reminds them of the Rupees destined by the *Nabob* for the Secretary of *Sir Thomas Rumbold*—and of the Lease to that same *Nabob*, the "*Secretary's* "*friend,*" as a measure strongly recommended by the "*Secretary's* "*Master.*"

I answer, and will demonstrate the fact; not only, that, in general, *Sir Thomas Rumbold* acted with no partiality for the *Nabob of Arcot*, but that, in this article, the corruption stated *could* not have touched him.

Dates are often decisive arguments.—Upon the 11th of August, 1778, the Secretary was turned away by *Sir Thomas Rumbold*, and accused.

Why turned away? and *what* accusation?—"His dependence at the Durbar" (the Court of the *Nabob*) lost him his post of Secretary to the Governor, and President of Madras, because it was injurious to the only confidence which had ever subsisted between them, and was implied by the nature of the office.—The Lease of the *Jaghire* was first recommended by *Sir Thomas Rumbold* the 4th of October, 1778.—So that, according to those dates compared, the argument will proceed thus:

“ At some indefinite period prior to the 11th of August, 1778, the *Nabob*, through the Secretary of *Sir Thomas Rumbold*, corrupted him, and obtained a subsequent Lease of the *Jagbire* by that Corruption.”

“ While the Corruption operated, but upwards of a month before *Sir Thomas Rumbold* paid the agreed value for it, he turned away this instrument of the bargain, for the express offence of courting the *Nabob* in prejudice to his *Duty* as the Servant of *him*, the very man for whose benefit he had courted him.”

“ The Lease of the *Jagbire* so obtained, was first recommended after the dismissal of that Secretary.

“ All the Council of Madras, October the 4th, grant a Lease of the *Jagbire* lands, to the *Nabob of Arcot*, upon the terms of a losing bargain to him; and forced upon him by the terror of dispossession.”

“ The Secretary of one of that Council (who is also President of the Board) happens to die before the measure is recommended, and by his will, dated the 30th of September, 1778, represents the *Nabob* to have ordered that he, the Testator, should receive a Lack of Rupees; which the Executors are directed, in the same will, to recover for the benefit of his Estate.”

No date of the supposed order is marked in this reference to it—nor is it stated as having been a *written* order.—No *written* order to that effect is found—and yet this *verbal* order, *without a date*, is made applicable to the Lease of the *Jagbire*, which *has* a date.

But imagine a date of the order—at any period in the range of the Testator's life.

Was it *before* the dismissal? Look at this *wonderful predilection* for the *Nabob* on the 20th of July, 1778—the latest period in which, before the dismissal of the Secretary, *Sir Thomas Rumbold's* opinions of the subject appear.

He is *then*, at least, not his partizan; for he arraigns his want of punctuality; and recommends advertisements, for the purpose of knowing with strictness the value of the Land, by the terms which may be offered by the best bidder, and well secured.—A measure which gave particular umbrage to the *Nabob*, but was framed in sound, though severe policy, as the event proved.

Was it *after* the dismissal?—in other words, between the 11th of August, the date of it, and the 30th of September, the date of the will?

Here then we are to look at this predilection again.—Upon the 28th of August, the *Nabob* makes his first offer to rent the *Jagbire*. What is that offer? Not the losing bargain to *him*, which has taken place in fact.; but a losing bargain to the Company, which *he* preferred, and which the orders of the Company authorised—“A Lease from year to year upon the *old* covenants”—(for he refused the *new*).

What's the fate of this offer? The Board, and their President, refuse to accept of it. They had, upon the 20th of July, expressed their disapprobation of a Lease from year to year.—They persevere in their *system*, and in opposition to that of the *Nabob*.—They determine to see what proposals may be offered for a term of longer duration.—They wait, therefore, till the time which the advertisements had marked for the delivery of proposals to rent the *Jagbire* shall have been expired.

In the mean time, the *Nabob*, who had refused the *new* and heavy conditions imposed upon him by “*his friends*” at the Board, as the conditions of a Lease from year to year, accepts of them as conditions of a Lease for five years.

On the 4th of October, his offer is considered at the Board, and strictly put in competition against the other proposals.—The term is reduced from five years to three, and, in that situation, is preferred, upon this express ground, “that *his* offer is the best which could be relied upon, and ought therefore, especially at that crisis, to be adopted.”

Is the Lease, even *then*, agreeable to the *Nabob*? In the month of December following, he wavers upon it; and Sir Thomas Rumbold urges him, in two letters, to communicate his determination whether he will, or will not, accept of the Lease.

If this were all, what ingenuity could prove the Lease a corrupt sacrifice of the Company's interest upon such materials? But I have more to lay before the House; and they will tremble at the mischief resulting from these liberties which the accuser has taken with landmarks of Legal evidence:—I can disprove the connection between the *Nabob's* order to the Secretary, and the Lease to the *Jagbire*, by other testimonies which are more pointed still, and conclusive, to demonstration.

The first link of the accuser's chain must be this:—“It was a corrupt engagement on the part of the *Nabob* to pay a *lack* of Rupees for such a Lease of the *Jagbire* as was granted by the Board.”

But is the *will* any evidence of such an engagement?—It's no evidence of *any* engagement at all, much less does it mark the purpose or condition of it.

Why too a corrupt engagement? and why applicable to the *Jag-bire*?

If the *Nabob* denied the order to pay, the Will is no evidence of it; for the *Nabob* and the Testator have an equal interest, and the result would be, that neither charge nor discharge would be competent.

But what, if the *Nabob* owns the order? It is then good evidence of the fact, that such an order was given.—The *consideration* of it is in blank; and it may be filled up, without prejudice to the assertions of the Will, by the *Nabob* to whom it refers.—*Mr. Petrie*, the Executor, stated this article of the Will to the *Nabob*, who admitted that he had given a verbal order for the payment, upon a condition subsequent, unperformed; adding, that he had given this order two years before, upon the Testator's promise, to obtain a Restitution of *Tanjore* by the help of his friends in England.—It's *proved* in the Cause, that *Mr. Redbead* was then in the service of the *Nabob*, and had no connection with *Sir Thomas Rumbold*:—It's *proved*, that he paid his court again at the *Durbar*, on his return, in the character of Secretary to *Sir Thomas Rumbold*:—It's *proved*, that for that connection he was turned out of his office by *Sir Thomas Rumbold*:—It's *proved*, that after he had been dismissed, he renewed his connections at the *Durbar*, and continued in the service of the *Nabob* to the day of his death.

If any man who has done me the honor to hear me with attention, still believes that, under all the circumstances which I have stated, *Sitteram Rauze* and the *Nabob* corrupted *Sir Thomas Rumbold* and the Council at Madras, (for they cannot be disunited) I despair to deceive him.

I COME now to a third, and the last head of Corruption which I can discover in the Bill.

“*Sir Thomas Rumbold* is rich; and he must account for it.”—The Counsel for the Bill, who summed up and recapitulated the evidence, was too manly to adopt that principle.—He called it “*pitiful*,” (and so it is) to infer guilt from wealth—“where honor is, these are most honorable,” were his words: the corrupt acquisition of Riches never, till this day, has been argued from the Riches themselves; or the owner of them compelled by an accuser to account for them.

The Bill insinuates this wealth to be made up of illegal and prohibited gifts, by an allegation which may be, and is true, without any inference dishonorable to *Sir Thomas Rumbold*. The little ~~word~~ word “*yet*” marks, however, the purpose of the Bill to make the Wealth prove the Corrupt acquisition of it—“he bound himself (says the Bill) to receive no *presents*, *yet*”—he did, what! “He remitted, in such a time, such a sum.” True; what then! Before those two

two allegations together can impute guilt, the Bill must presume, and it evidently does, that he *cannot* account for the sums remitted: and at least it throws the *Onus probandi* upon the party accused; which is, indeed, the general tenor of the charge.

From the torture of those remittances which preceded his return to Europe, all those prejudices which have persecuted him up to this moment, originated: they have poisoned his Character—but they shall now have an end, or I envy not the heart and the pillow of those who persevere in them.

But I differ in one respect, though it's a shade of difference, from the Counsel's manly declaration upon the inference from Riches to Guilt.—If they are *suddenly acquired*, I think them very *suspicious*; though I agree with him, that of themselves they are not grounds of criminal Charge.

Says the Bill, “ You have remitted 130,000 *l.* in two years from “ *India*”—Perhaps from *Bengal*, or other distant parts of the East unconnected with *Madras*.

Whence arises the evidence of the fact? From a *voluntary* account offered by *Sir Thomas Rumbold*—at an early period of the enquiry, and before he was accused in form.—He *chose* (as the Counsel with triumph reminds him) to acknowledge the remittance of this amount—The concession is pointed out as a degree of assurance bordering upon a contempt of Court, and a defiance of Justice.—What's the *fair* as well as generous inference? That it's a mark of peace at home, and of a mind conscious to itself that all these accounts would bear the light.

That acknowledgement is caught eagerly by the Bill, and forms a distinct allegation of it.

Let us now expose the condition of this Adventurer before he remitted such inordinate wealth—and compare the acquisition to the means of it.

From the year 1766 to the year 1772, he had large commercial dealings at *Bengal*—Five years of the time he was of the Council.—Let any man dare to impeach his dealings, political or commercial, at that period.—The result was, that in the year 1772 he had acquired the sum of 132,317 *l.* at *Bengal*.

Of this fortune he has recovered the whole, except the sum of 10,000 *l.* which are bad Indian debts, and another 10,000 *l.* which remains ~~in~~ *in India*.

In England, at the same period, he had 86,520 *l.*—The total of his property in 1772, unimpeached, was 218,887 *l.*

What's his property now? He has a nett real Estate of 2000*l.* a year, and 138,000*l.* personal Estate—or he is perjured, and (if he has concealed 500 *l.*) all his property is forfeited.—Who shall call him perjured? Shall he first be the victim of a restraining Bill, and state, by force, every 6*d.* of his Fortune, upon oath, before a single Charge is fixed upon him? and then shall his oath be disbelieved!

Interest of this property has accumulated, at Five *per Cent.* here, and at Eight *per Cent* upon the Indian fund, amounting to 14,675*l.* *per Annum*, so calculated.

He has received 49,000 *l.* for Salary, and his Commission upon Coral; that alone makes his property reach upwards of 270,000 *l.*

His Indian property alone covers more than he remitted.—Why then is the remittance corrupt?—The *Onus probandi* is upon the accuser, confronted by these materials, to prove one or other of these two things; that *Sir Thomas Rumbold* has consumed his Indian wealth; or that, unconsumed, it should be superadded in the account which he has given upon oath; in other words, that he is perjured.

Having stated this general answer, I speak to men of honor, and ask, if I must answer in detail?—Yet, I will do it, Sir—for I guard the jealous honor of an innocent Character.

But I must remind the Accuser, that I am not preparing, or called upon, to unravel the Debtor and Creditor of an accountant-party amenable to the Public.

I must remind him too of other peculiar Circumstances, which throw a difficulty in the way.

First, the distance of the scene in which this property was acquired, and in which many of its vouchers or testimonies reside.—*Next*, the loss of the *General Barker* Indiaman, which had many of *Sir Thomas Rumbold's* accounts on board.

These are circumstances which even a public accountant might plead as an apology for the want of correct and strict evidence upon every item.

It happens, however, that some of the accounts were saved from the wreck; and they will enable us to justify the remitted sum with a degree of accuracy, even superfluous after what I have stated concerning the fortune in 1772.

Before I describe the manner in which these remittances are explained, by the accounts in proof, I would introduce them by the general evidence which in order of time precedes them, and is connected with them.

Late in 1777, *Sir Thomas Rumbold* sailed for India—In that year, he gave orders to his Attornies in England, before his departure, to draw upon his Attornies at *Bengal*.

We shall produce a letter from his Attornies at *Bengal*, dated in 1779, and stating that *Sir Thomas Rumbold* had then drawn out almost the whole of his *Bengal* property.

Three accounts were saved in the *General Barker*—They are the vouchers of *Sir Thomas Rumbold's* Agent at *Bengal*.

One of them is dated 1st of October, 1779, and contains the Agent's Commission upon remittances from the month of November, 1777, to the 30th of November, 1779.

A second is dated the 30th of November, 1779, and contains cash paid upon a Bill. The two accounts together prove a remittance to the amount of 52,625 *l.* in the very period of these two years.

We add 6000 *l.* a remittance to *Raikes*, in England, from this Agent at *Bengal*.

In the same period we add the Commission upon Coral, and the Salary.

The sum thus formed will be 107,625 *l.*

An account of the remaining articles being minute, I reserve them for proof. The whole remittance will be covered and explained.

The Bill has laid stress upon remittances from *Madras* in the year 1778, amounting to 53,000 *l.*

We account for every shilling of that special remittance by loans, acquisitions of property, or demands upon the Estate at *Bengal*.

BUT *Sir Thomas Rumbold* remitted with secrecy this 53,000 *l.* for the articles are not inserted in the Boatswain's book.

Here again the *Onus probandi* is reversed.—Whose fault was the omission? To insert or omit is, at least *prima facie*, the Officer's act or neglect who has the custody of the Book; nor is any evidence adduced, that other articles of private remittance are inserted in the same Books: yet the Bill has roundly asserted the fact, and has therefore told a falsehood in that assertion; but a falsehood insidious and cruel, because it has long remained a part of the Bill, and, with many other of its calumnies, prejudiced the reader of them against the party accused.

Is it proved that *Sir Thomas Rumbold* ordered the omission? If one of the Captains examined before the Committee were in England, he

should again prove, that it was not concerted with *Sir Thomas Rumbold*; that it was injurious to him; and that he, the Captain, was answerable for it. He, Sir, gave to the Committee a Recipe for a secret, unexampled since the days of the ancient *Chorus*, who whispers all his cabinet mysteries to every man that meets him.—His Conspirators are numerous: “The *Dubash* applies to the *Captain*, stating the articles “of treasure—the *Captain* gives a Bill of Lading for it—the *Purser* “weighs it—the *Officer* who keeps the *Boatswain’s* book has notice “of it, and should have inserted it—the Board of *Supercargoes* receive the Bill of Lading, and they direct the delivery to the *Consignees*, two of whom are themselves of the Board.”

“The *Consignees* receive it; and the last period of the secret is “in the whispering-gallery of a *Court of Justice*.”

The real and only secret is, that the Captain has ~~_____~~ the whole profit, as freighter of this treasure, if it's omitted; but the Company ~~_____~~ of it if inserted.

ANOTHER Charge is, that *Sir Thomas Rumbold* has not specified his Debts and Loans according to the requisition of his Covenant:—this offence, though it's not stated as an evidence of Corruption, is at least connected with it by the Accuser as a discredit of the voluntary account.

The whole charge is a palpable and gross inaccuracy—It's for the Accuser to shew that *Sir Thomas Rumbold* owed a single debt, or contracted one loan, within the meaning of those Covenants.

He has not even attempted this proof; and it's one of his many deserted articles.

If I should ever argue upon the *Civil* effect of the Covenants, in this view of them, I should produce the account, and request of the Company to point out the amount of a shilling unspecified in the sense of those Covenants.

Upon this Charge an averment is made in the Bill, which is a direct falsehood, namely—that no penalties guard the Covenant. The fact is, that it is guarded by no less a penalty than 50,000 £.

But what have these Covenants to do here? and why is the supposed breach of a *Civil* Contract made *criminal* at this bar? By the way all *Civil* rights and remedies are left open by the Bill.—What, if this *Criminal* Court should say, the Covenant is *broke*; and the *Civil* Court (a better judge of a Legal Covenant) should say, it's *kept*—will such incongruous decisions conduce to the advancement of Justice? and will it raise the dignity of the Legal Courts, if their construction upon a *Civil* right is overborne by the Legislature, for the purpose of *criminal* imputation, sentence, and punishment?

I HAVE now dissected all the corruption of *Sir Thomas Rumbold* which the industry and vigilance of those who drew this Bill could insinuate.—Not a shilling has been traced into the pocket of *Sir Thomas Rumbold* by the keen eyes of the Subordinates whose corruption he reformed, whose resentment he provoked.

The *Zemindars*, courted and bribed by the Directors to betray the extortions which he had practised upon them, are most unaccountably mute, though he is at a distance from them, turned out of the service, and his character branded by the Inquisition itself thus erected over him.

From the total disappointment and failure of these various engines, and complicated exertions, I may surely infer more than legal innocence,—may ascribe to him the merit and praise of singular, if not unexampled purity.

Committee of
Circuit
suspended.

I AM now to vindicate the several measures of *Sir Thomas Rumbold*, and the Council at *Madras*, cleared from the corrupt motives to them which the Bill has insinuated;—and I shall take the liberty of considering each offence as the sole object of the Bill,—because nothing is more fallacious than to accumulate a variety of materials together into one voluminous charge of constructive guilt; and it's an axiom, though too often deserted in reasoning, that, if the several parts of a system are false in themselves, that system has no truth in it.—Nor can this Bill stand upon the sum and general amount of it, if each of the numerous articles which form it is done away.—“*Demo unum, demo etiam unum*,” is the motto of my argument; that of the Accuser, “*functus juvant*.”—The House, upon the evidence before them, will judge between us.

The *first* article which I am to vindicate is the offence of discontinuing what is called the *Committee of Circuit*.

The evidence accompanies the charge in the Bill itself; and I shall consider them as incorporated into one allegation.

First. I observe that *Policy* here offers itself to discussion; for the Bill does not state (as the Counsel for it have supposed) that *Sir Thomas Rumbold* has *disobeyed the orders of the Company*; though, if it had, and the fact were true, I should argue without fear that he is not amenable to this Bar for the *disobedience*, unless it sprung from a bad motive, or has been attended with consequences injurious to the Public.

But he has “*disregarded the orders*,” not the “*letter*” of them neither, but their “*spirit*”—and, by “*disregarding that spirit*,” he has “*acted in direct opposition to the Company's interest*.”

The Bill has, therefore, adopted and approved these orders.—It's manly and open dealing in that respect: any thing is better than to fight in the dark.

I shall endeavour to convince the House, that the orders themselves were "in direct opposition to the interest of the Company, and "that of the Public."

If they were highly impolitic, and highly unjust, or if the execution of them at that juncture would have been ruin to the Company, shall the Parliament say to *Sir Thomas Rumbold*, "You did well by the Company, and well by the Public, in *disregarding* what you and we call the "*bad spirit*" of these orders.—But you have done extremely ill in another view—that is, you ought to have done ill, and you have done well; you ought, as a Servant of the Company, at all hazards to have obeyed the *letter* of the orders, and regarded "*their spirit*" if the "*letter*" was gone."

I desire however, once for all, to be fairly understood upon that subject.—The orders of the Company should, in general, be sacred, and obeyed by their Servants—It's not for the Servant, in general, to set up *his* policy against that which is marked by the orders of his Master.

They ought, *primâ facie*, to be punctually observed; and those who disobey, do it at their peril, as between the Company and them.

On the other hand I must remark, that, whatever the Directors may have said on the subject of *indispensible* obedience to the orders of *Leadenball-Street*, it never has been exacted by them: and God forbid that it ever should! for such despotism would shelter the execution of measures, ruinous perhaps at the moment, though wise and just at the time they were directed; and would punish, on the other hand, an act which, at every personal hazard, was guided only by a view to the Company's welfare.

I have looked into the Company's records, and I see many passages upon the subject, which explain it as I have stated it;—but I am struck by none so much as by the declaration of an Honorable Member of this House, who has been much connected with Eastern Politics, and whose name I should consider as a very important sanction to any argument of mine.

But I have seen my own sentiment, expressed in better words than I could use, by the Directors themselves.—It's in one of their public letters to *Madras*, of the year 1766. In that letter, they mark *principles* of conduct which are of more importance, and less at the mercy of circumstances unforeseen than *specific measures*:—Yet they tell their servants,

servants, " that, at such a distance, change of situation may affect the
 " policy of their plan; and that it's impossible for them to lay down
 " any rule so peremptory, as to admit of no deviation upon exigencies
 " unforeseen."

I must therefore assume, that at critical moments, if an order should reach the Servant, and peremptory as language can make it, he may commit High-treason by his obedience.—The *order* is here: his *duty* is there; a *duty* paramount, and superior to the letter of any command whatever.

Having said this, I could safely admit that, if the orders were peremptory though impolitic, and were disobeyed, or even their *spirit* was *disregarded*, he who disobeyed or disregarded them would have committed an offence; for no such facts are in the cause. But when it's pressed as a charge, that *Sir Thomas Rumbold* by the measure before us " acted in opposition to the Company's interest," I must prove that he did *not* so act.

My defence therefore will address itself to both of the charges respecting it.—*First*, I shall prove that in itself the measure was right under all the circumstances; and so right, that no orders could have made it wrong. *Next*, that he neither *disobeyed* nor *disregarded* any orders whatsoever, and had the most pointed reason to believe his conduct would be satisfactory to his employers.

LET me ask the House: Are they fairly possessed of these orders in 1775? I believe they are not: for, if they were, I must believe that, instead of *Sir Thomas Rumbold* called at this Bar to an account for a disobedience of them, the Directors would stand in his place accountable to Parliament and the Public for the orders themselves.

Of this I am sure, that the Bill has not stated them.—It has, in stating what it *represents* them to be, committed a falsehood of the worst kind, suppression of truth:—It has omitted even a hint of that object which forms two thirds of the Letter, alone occupied the Committee when they acted, and so occupied them, as to endanger the revolt of the Districts by the alarm of it.

The objects which *are* stated in the Bill are *three*.

The *first* is an improvement of the revenue.

The *second*, a reformation of Eastern Police and Government.

And a *third*, the rescue of the natives from oppression.

Suffer me to add a *fourth*, and prove it, by the Letter itself, " *the Reduction of the Military of all the Zemindars by force,*" an arrangement

ment ably calculated for the effect which it produced ; universal disgust and alarm.

Before I dissect the *Committee of Circuit* (which I mean to do in all parts of it) I have to remark upon a very singular perversion of *names* and *things* committed by the orders, by the Bill, and by the accuser's Counsel, where they treat of the *Zemindar*.—They agree in stating him as a *Renter* of the Company ; yet here and there they puzzle his character, and give another view of it.

The Counsel who opened the Bill is entangled by these intricacies ; yet if I would select a man whose ideas in general are the most clear and correct, I would set my finger upon him : but of his candour I think as highly as I do of his talents ; and I am persuaded that he could not *mean* to puzzle those who heard him, or mislead them into a false conception of any fact.—He *must*, therefore, have misunderstood this part of the subject ; and indeed what he says of it is not very consistent with itself : He tells you that he will give you an *English* description of the *Zemindar* : “ *He is an immediate Tenant of the Land ;* ”—but he says too, that he may perhaps with more accuracy call him “ *freeholder of the Land.* ”—If both of those descriptions are accurate, he is “ *a Tenant of his own Freehold for a term of years.* ”

If these were trifling inaccuracies, I would overlook them ; but they have argument in them, and their fallacy has been marked with cruel oppression.

The Counsel draws an inference of no trifling consequence from them : he infers that, as *Landlord*, the India Company is to get from his *Tenant*, the *Zemindar*, whatever the *Land* will bear, as between *Landlord* and *Tenant* ; and upon that fatal policy we have acted at *Bengal*.

But who is the *Zemindar* ? He is tributary Lord of a district, and hereditary owner of his land :—He has often great Armies and Revenues.

The Counsel adapted, with singular address, the variations of the character, as drawn by him, to the circumstance of *time* and *place* :—According to *him*, when the *Zemindar* is at home, he is a *renter*, a mere tenant ; we are to ask the *field*, what *rent* he is to pay :—But upon his journey to *Madras*, he suddenly becomes “ *Prince*, and *Princely Zemindar*, ” because that journey is, it seems, an oppression upon *him*, and the offence of *Sir Thomas Rumbold*.

Arrived at *Madras*, he is a *renter* again, because there *Sir Thomas Rumbold* and the Council are guilty of undue and corrupt favor to him ; that is, they consider him as he is ; limit the new settlement of
tribute

tribute (not *rent*) by a measure conciliatory to *him*, without prejudice to the Company's revenue.

But even at *Madras* he is *Prince* again when the Board urge his reconciliation to his Brother, for *his*, and the Company's mutual good—that Brother, whom the intrigue alone of his wicked Minister had ever alienated from him.

I shall hope to give a more correct and consistent account of a *Zemindar*.—Having stated his armies and revenues, I shall add, that he is a *Gentoo* of a high cast; a character of such consequence, that, I believe, in *Madras* no single *Mahometan Zemindar* has been once imposed upon the native.

A *Zemindar* has a peculiar influence over the inhabitants. If he threatens revolt, or takes an alarm, they flock to his standard.—He has a Jurisdiction of Revenue, and it's useful to the Company, because it gives him authority in collecting *his rent*, by which *they* profit in the article of *tribute*. He has also the Jurisdiction of civil and criminal Justice. The Company have exercised it themselves, acting in the character of *Zemindar*, and representing it under *Jaffier Ally Cawn*.

The attachment of the natives to a *Zemindar* is extreme, and borders upon devotion.

The Counsel who opened the charge observed, that it struck him in reading “ the ancient History upon the subject, as if the *Zemindars* annual payments to the Government had been fixed and stationary at first; but that since the Company acquired that Government, and even for some time previous to their acquisition of it, the *rent* has been assessed at will, and estimated by the value of the land, or the ability of the *Zemindar* to pay; so that, as between *Sir Thomas Rumbold* and his employers, that should have been the rule.”

He is extremely inaccurate in this account.—The uniform habit of our Eastern predecessors, recent as well as earlier, (*Cosim Alley Cawn* excepted) has been, to make due provision for the rank and local consequence of the *Zemindar*, in the article of tribute (demanding at the same time a reasonable homage and subordination) but, above all, to respect his property in the land.—He has never been dispossessed from it in those days, but upon urgent and extreme necessity.—Indeed the right of dispossessing him at all, is very disputable, and has never been ascertained.

Since the Company acquired the Government, the model has not been uniformly pursued; but the general current of opinion has recommended it.

Of this local consequence the *Zemindar* is more tenacious than, perhaps, any character of the same rank upon earth; but his power and his pride have their limits.—I too will attempt an English analogy—He is much in the nature of a *Feudal Baron*; he pays homage to the *Lord Paramount*, and is liable to occasional checks from *him* in the settlement or collection of tribute; for a *Zemindar*, with all his virtues, (and he has many) don't like to pay his debts: in this view of his character and situation he has been always amenable to the Court of the supreme Government, and liable to personal attendance there, for the purpose of accounting, as tributary, no less than for that of doing homage.

The *Zemindars*, and the natives of the East in general, are bigots to their own Law, and jealous of any alterations in the form of their police, or government; they are bigots to their Customs and Religion.—Their Law and Religion are closely incorporated (an argument of their wisdom!) Their Bramin, the Religious character of the East, is their Judge.

The police of the *Zemindars* (I take the liberty of saying) is good; they are not oppressors, but the reverse; they are in general desirous to compromise differences between themselves and the natives, or between the natives and the Company;—they are incapable of revolt if they are equitably governed.

Sir, In the House of Commons (as in the House of Heaven) are “*many mansions*,” for out of a room in it, which has been lately and ably filled, I have drawn this character of a *Zemindar*.

The *Select Committee* have marked it upon your own records.

The *real* objects of the Letter in 1775 are two: the one is to acquire all that *can* be acquired in the article of *tribute* which is called *rent*; and the other, to subjugate the *Zemindars*, who are to pay it, by force.

Mark how these two articles of *reform* are to be accomplished.

First, the Committee are to examine the fortified places, in order to ascertain their strength.

Next, they are to guard the natives against oppression. What oppression?—Had they suffered any?—Had they complained?—Had they solicited protection?—The general fact is, that the natives are *not* oppressed by the *Zemindar*.

But how are they to be guarded?—the Company are to collect the *Zemindar's* revenue, and assure the natives that, by this arrangement, they are saved and rescued from oppression.—The *Zemindar's* income,

in

in the mean time, is to be made secure to *him*—in other words, his authority over the native is to be forfeited, and he is to be degraded in their sight. Will it please *him*? will it please *them*? or is it just, if *they* should be displeased with it? (as they certainly would)—But who is to check the *new* collectors, “*custodes ipsos?*”—Ask the natives, which collector *they* prefer, the English or the Eastern? ask them at *Bengal*, where the tyranny and rapine of our collectors have driven many of the natives into foreign districts?

The next thing stated in the order is, that the *Zemindars* are grown too formidable to their neighbours, and even to the Government. Here again assertion stands for proof. They *can* be formidable, I agree; but injuries alone will make their power dangerous. Treat them well, and they are firm in their allegiance; their power is then useful to us.—It *has* been useful to us; and their Zeal in our service, ever since the *guilt* of *Sir Thomas Rumbold* was incurred by his treatment of them, has been uniform.

“But their tribute (say the Directors) has been too small—a bad policy!”

Sir, if the Directors had a Coach of state, I should recommend as a motto for it (the rule of *their* politics)

“*Tribute, tribute, more tribute!*”

For the remedy of these abuses, what is to be done?—“Survey the land strictly, and report the value of it, in order to let the best bidder *farm* it, *as at Bengal*,” (that happy scene of *reform!*) “and if the *Zemindar* does not *chuse* to *farm* it upon those terms, dispossess him of his land; but give him a *pension—as at Bengal*”—we shall prove the effects of it there.”

First, it seems a very singular plan, if the means and the end are compared: for if the *best bidder* is to *farm* the land, the survey and value are nugatory, unless for the purpose of compelling the best bidder to advance *beyond* the sum which the land can pay.

But *this* at least is clear from the arrangement; that the new valuation, and the best bidder's improvement upon it, are thought likely to be so high, as to seduce the *Zemindar*, though passionately fond of his lands, into a surrender of them, upon the humiliating terms of a *pension*.

The orders tell us that *Sitteram Rauze*, then *Duan* (or manager) of his Brother *Vizeram*, has, by his authority and power, checked and kept off Competitors for the land—“and therefore” (mark the leap which the inference takes!) “because the *Duan* of a single *Zemindar* prevents the competition of bidders at an auction for the native land of *that Zemindar*, it's thought expedient that *every Zemindar* of
“every

" every district should be disarmed and reduced"—in other words (and words used by the letter itself) that our " TENANTS may be dependent upon us"—those *tenants* who are, up to that moment, *freeholders* of the land, and *hereditary Lords* of it, paying no *rent*, but a settled and moderate sum by way of *tribute*, and reserving a large revenue to *themselves*, out of these lands, for the support of their *State* and *consequence*.

" In prosecution of this plan, examine their strength of every kind, their expence, and their purse.—Tell us how many *Sepoys* it may be necessary for us to maintain, " in order to keep the *Zemindars* in subjection."

What is a Government by force, if it is not *this* Government ?

One of the Counsel told us, that *Sir Thomas Rumbold's* conduct by *Vizeram Rauze*, in reconciling him to his Brother, was like the message to *Don Carlos* by *Philip the Second*, " That a cup of poison was for his good."

Surely, Sir, these orders of 1775 are cups of poison to the Political Son ; they tell the *native*, that *reform* is for his good, though *he* calls it *innovation* ; they tell the *Zemindars*, that a *Pension* is better than *property*, though *he* loves and values the land above all price or equivalent ; they tell the *native*, that *he* is *oppressed*—a discovery new to *him*—in order to degrade his native *Sovereign* (if I may so call the *Zemindar*) who is dear to *him*, and substitute an English Tyrant whom *he* would execrate.

" But this may be thought bad *Oeconomy*" (says the letter) ; " yet it may answer in this way ; reduce them by arms, and then make them pay for the expence of that force, by the terror of it, in the article of *tribute*."

In the tenor of this logic, we have a letter of November, in the year 1777, which is written by the Chief and Council of a Subordinate, expressing " their *astonishment* that the *Zemindars* will not pay for the expence of reducing them."

The orders end with a command, that every *Servant* shall, if required, put them into full execution,—or else—he shall forfeit his office, and be a *Servant* of the Company no more ;—but I don't observe them to give any hint that a *Bill of pains and penalties* will improve upon the punishment.

This is that beautiful system of Political arrangement " so honorable to this Country, and profitable to that," as the Counsel expressed himself.

These are the Zemindars who are never to be oppressed, whom the Directors condemn, and who are trampled under foot by Sir Thomas Rumbold, when he sends for them to Madras.

This is that spirit of the orders which he disobeyed or disregarded.

An inquisition over their forts and palaces—it suspects their private and Political faith—it settles with them by the help of Sepoys at their elbow—it rifles their cabinet, their treasure, their debt, as an exciseman would rifle an alchouse—it inspects their strength, to ride over it, and reduce it; their wealth, to make tribute of it—makes them pay for this tyranny—puts a foreign military over them, either to subjugate them, or leave them at the mercy of the neighbour; for the new force is either to go or stay as the Company shall direct.

The effect of dispossessing the Zemindar, and of substituting our collector in his place, for the improvement of the revenue, has been tried at *Bengal*—Yet the Council who made the attempt inform the Company, in their public Letter of 1772, “ That if the Zemindars collect, the native is better treated, the revenue itself improved, and the cultivator encouraged; because *their* interest is perpetual in the land, *their* inheritance immutable; *they* have rivetted their authority in the districts, and have ingratiated the affection of the native.”

The expence of the Circuit was at the rate of no less than £.14,000 a year—to say nothing of *Inspector, Controulers*, and many a locust of that kind, formed upon the model of a certain little *Red Book* in this Island.

Even in the year 1775 these orders were dangerous, to say no worse of them, and very inconsiderate.—The Company should have rather founded and felt their way by degrees, than exacted implicit and servile obedience.

Even the popular and specious part of them, if strictly weighed, has no sound policy.—The value ascertained by the local survey which is to form the basis of settlement for the new tribute can't be a just rule—One year's profit, especially in that climate, is no rule for the next; the article of drought alone, and many other variable incidents, differ one year from another in a surprising degree.

The old *Jumma*, as it was called, or Eastern *assessment* of tribute, was moderate and permanent.

But perhaps the effect of those orders may have consecrated them.

The Counsel states the effect thus—He says that “*some impediments*” arose; and ~~he thinks it~~, he thinks it safer to leave the works of the Committee undescribed. He says, they began their progress early in 1777, and it ended in the December of that year: in other words, it was born, slept, and in less than a year closed a very obscure but innocent life.

I wish it *had* been innocent; but the *Committee* are themselves reluctant witnesses to the mischief and alarm of it.

The *Zemindars* fear that, if a new and foreign military is once imposed upon them, the increase of their tribute will only pave the way to a forcible possession of their land—a fear which the recent experience at *Bengal*, and the orders themselves, would rather encourage than refute.

The *Committee* soon want a military even for the survey alone; they hanker after *Sepoys*, and feeling themselves the instruments of Tyranny, with a power unequal to it, solicit a reinforcement.

I desire only to read the letter of August 1777, in order to mark the reception of these orders by the *Zemindar*. That letter has been read by the Accuser, but he has read only two or three passages of it, which, as it strikes him, criminate *Sir Thomas Rumbold*; ~~but~~ he omits the reception of the orders—the general plan of the *Zemindars* to resist them—and a hint of the *Committee*, “that no faith can be reposed in the natives any more; that alliances will soon be formed between them and the Mahrattas,” &c.

To omit the detail of local impediments, which the acting *Committee* themselves open to me in their letters, I shall only mark their express opinion to the Council of *Madras*, “that an alarm and jealousy has taken place in the *Northern Circars*, equal to that which the commencement of hostilities there would have produced.”

As to the *reform* of the *Police* and *Government*, where is it? not in the *first* letters of the *Committee*, which breathe nothing but force and *Sepoys* in every word; but in a little dust-hole of a letter, at a subsequent period, which only tells the Council of *Madras* “that such Reforms are desperate.”

“The appointment,” as they observe, “has given the alarm,” and like true Constables, they argue thus, “all the confidence of those tributaries in your Government, will henceforth be at an end: You have, by these orders, lessened and shaken it: You mean to subjugate—the wisdom is, to lose no time, and wait for no reform, to do what you have so much at heart, without any idle attempts to make it
“pala-

“palatable: strike your blow, subjugate first, and make your terms upon advantage ground.”

The *Committee* themselves consider *Peace* and *War* as making an essential difference.

But they argue like true Constables again:—“Before the war is declared or breaks out, we may reduce them; and if reduced in time, they can't hurt us.—It's now too late (and they reasoned well) to attempt any thing like a pacific mode of executing the orders:—*It's the same as if hostilities were commenced.*”

All the few letters of the *Committee* give a melancholy example of the human character, tempted by that strumpet, *power*.

No *monsters* are slain, or *virgins rescued*:—like true soldiers, they inflame that policy which the facts oblige them to disapprove.

But if the orders of 1775 had been as wise and just, as they were cruel and weak, *when* are they given? In a time of *peace*, disquieted only by the fear of a partial tumult upon the subject of *Tanjore*.

That part of them which relates to the revolution of *Tanjore* has *argument* and *principle* in it; *principle* which, if I read it well, approves in 1775 the discontinuance of the circuit in 1778, even had the orders been as peremptory in the *letter* of them to *Sir Thomas Rumbold* as they were to *Lord Pigot*.—“Do nothing (say the orders) till the business of *Tanjore* is closed;” a business which, as the Counsel expressed himself, “gave trouble to the Country:”—I suppose a *War* gives none.

Suppose that *Lord Pigot* (those orders in his pocket) had found at *Madras* the *Rajah* of *Tanjore* and the *Nabob* of *Arcot* reconciled; but another tumult and revolt in arms, at least of equal importance to the peace of the Settlement; would not the orders or *spirit* of them have reached this other event so as to make *Tanjore* an argument of analogy, not a mere object of specific operation? Suppose he had found an *impending War*—Suppose he had carried with him proofs of it—Suppose he had found an insidious enemy tampering with our tributaries—I ask of all the honor Military or Political which I see in this House, if *Lord Pigot* would not have been justified in a suspension of his obedience to those orders, which, by the *letter* of them, compel an immediate, as well as complete, execution.

Sir Thomas Rumbold's Government was *temporary*, and under peculiar circumstances: it was necessary to conciliate those tributaries who were in general habits of allegiance, though lately offended, in order to act with all the united force of the Settlement against the foreign Invader, and those Country Powers who were likely to be seduced into arms by his intrigue and their own ambition.

No discretion can mitigate these orders; they are at all hazards to be "*carried into full execution*," a Tyranny at once over the *Zemindar*, and over the instrument of his oppression!

The Counsel told you it was the policy of these orders "to improve" the revenue, and secure the native against oppression;" but every man conversant in Eastern habits would have told him, that all increase of revenue falls upon the Cultivator, unless a *double* injury to the *Zemindar* is to make the difference; in other words, unless we are to make him pay more tribute than he should, and then disable him to impose an additional *rent* in order to reimburse himself. But the argument forgets the attachment of the cultivators to the *Zemindar* of the land.—Farmers and best bidders are odious to them; they have at *Bengal* been men of straw and adventurers; they have squeezed all they could from the heart of the land, ruined the cultivators, paid nothing to the Company, and fled.—On the other hand, the dispossessed *Zemindar* has often abandoned the district; the natives and cultivators have gone after him: what have the Company done? tempted them back, almost upon their own terms.

The *Police* and *Government* are to be *improved* upon the same auspicious model; *improvements* which, in the words of the Counsel, "never occurred to an *Eastern* mind."—Is that a reason for them? I could point out many institutions of *Eastern Law*, which have the deepest policy in them, and the most liberal spirit of humanity; before *Nadir Shah's* conquest a better Government was not upon earth. Who are *we*, that we shall tell the Eastern world of its follies and oppressions?—*Great Britain* is not a twentieth part of it in point of extent. Do we forget the *power* of these *Barbarians and Savages*? Do we forget their *wealth* at the time they are pouring it into our lap, and we are still asking for more? Is that *wealth*, in all the various branches of it, no evidence of a well-ordered Government?

Look at *Bengal*, the circle in which these *reforms* have been attempted:—Is it their *inefficacy*, or *impolicy alone*, which the experiment has proved?

Has not the *Reformer* made them scourges of oppression? Has not the native high and low execrated them? Why not improve the *Religion* of the East at the same time, and by the same persuasive arguments, turn Sepoys into missionaries, and convert Bramins by the sword?

As to any arrangements for the purpose of guarding the natives against oppression, who can disapprove of them? But will *these*, or any thing like them, answer that end? Protection of the native is irreconcilable to the oppression of a *Zemindar*, irreconcilable to the System professed by the Counsel of "getting all we *can* from the "land or the purse."

The example of Justice at home will be sure to reach every distant province. Justice to the *Zemindar* will be ultimately justice to the lowest of the natives:—It's the *interest* of the *Zemindar* to court the natives, who can hold him at arm's length, and make almost their own terms with him. If the Government would compel the performance of the covenant between the *Zemindar* and his tenant, they would act well; but, if they make the covenant themselves, it's an act of Tyranny, as impolitic as it would be unjust.

Sir, I am to add that (like our *Stamp-Act* in *America*) this Prætorian edict of the Company was in all it's parts a new experiment. None of our predecessors, English or Indian, had burnt their fingers with it. The *Soubah* of the *Decan*, a despot as we chuse to call him, never attempted any one article which these orders direct; not even the *local Survey* of the *Zemindary* land, which *appears* the most innocent branch of the *reform*; yet they formed a judgement of the value, infinitely more accurate and more equitable, as a rule of assessment.—The same expedient is open to us, though it's a very ancient part of the Gentoo institutions.—In every district and village there is a Register which ascertains the quantity of land rented by the cultivator, the exact proportion of the cultivated parts to the rest, the nett profit each year, and the market price of all it's produce. Will it be said that a *local Survey* of the land, at any *one* period, will give so just an estimate of the value *communibus annis*, which is to be the guide of the assessment for a *term*, as a recourse to this Register for a given period of the time past?

As little, Sir, did our Eastern predecessors attempt a reduction of the *Zemindar*'s military power; and least of all did they ever dream of tempting a *Zemindar* to exchange his land by the offer of a *pension* to him, because he would not pay as a farmer would, or convert his *tribute* into *rent*; and that rent a *best bidder*'s price, well or ill secured.

The Council was reduced from nineteen to six, and stationed at *Madras*:—They formed a compact and united Government for great objects of policy then at hand; for the reform of abuses which affected the revenue, for œconomy, and resource against a war. In that situation, it was obvious prudence to suspend minute internal regulations, hazardous in point of experiment, and slow in their progress; but *a fortiori* it was prudence to suspend them if they had given offence to the native.

The original orders to *Lord Pigot* presume a time of peace. The *fact* of a peace tacitly accompanies them; the construction of them, in that respect, is the same as if they had expressly said, “ *it being now a time of Peace.*” Reverse the situation for argument, and suppose orders given, *flagrante Bello*, fit in their nature to be executed in a war at any hazard:—The Servants who carry out these orders find the

Country in peace; would not that change of *circumstances* alone abrogate or suspend the letter of the requisition?

When *Sir Thomas Rumbold* gave in his first minute relative to the *Committee of Circuit* he had a war at his elbow.

Monsieur Lally, and a force of European troops, under him were stationed in the *Guntoor Circar*.

The known object of his policy there was, to catch at any little flame of disaffection which he could find in the *Northern Zemindaries* contiguous to him:—He and the *Mabrattas* were connected and leagued against the Government; we had not one firm ally, but the *Nabob of Arcot*; the *Nizam* was perfidy itself, his general character; the *Rajah of Berar*, a powerful neighbour, had linked himself to the *Mabrattas*.

The Council at *Bombay* drew the sword, and lighted the torch themselves, which might have slept at this hour but for *them*, and the Company's credulous faith in them.—News of their detachment against the *Mabrattas* had reached *Fort St. George*.

The *Zemindars* were in disgust:—Had we then hurled at them this execrated *Committee of Circuit*, which had given them so recent an alarm, it's not perhaps too much to say, that we should have lost the *Northern Circars*. Our Treasure at *Madras* was not equal to a month's disbursement:—The *Nabob*, the *Rajah of Tanjore*, and all the *Zemindars* were in arrear, to a degree unexampled.

The *Zemindars* had not fewer than 30,000 men in arms:—*Vizeram Rauze* alone, the *Rajah* of a single district, had 13000 effective troops, independent of the force necessary to his collections of Revenue, and his internal defence.

The *Zemindars* of the North have great influence; and *Lord Macartney*, who is now President of *Madras*, tells the Company what an important resource he has found in their fidelity and zeal.

In that part of the world, nothing is more dangerous than to attempt innovations of revenue, at a period of difficulty, actual or unforeseen.

It has been the uniform policy of *Sir Thomas Rumbold*, at *Madras*, to conciliate the *Zemindar*, not only without prejudice to revenue, but for a purpose, and with an effect, of solid acquisition to it.

By discontinuing the *Committee of Circuit*, and by the advantages of a term, he tempted them to an increase of tribute which in strictness he could not have required, because they were not equal to it; and if he erred, it was upon the side of avarice for the Company's interest.

They

They had quarrels amongst themselves; nor is any thing more injurious to the revenue:—*Sir Thomas Rumbold* healed their differences, and executed justice amongst them, without offence to any of them.

Suppose he had paid no attention to those critical circumstances; had sent the *Committee* armed with all its odious powers, and had stirred up a general revolt; what, in that case, would the Company have said, if he had quoted their orders? that which they have said, upon a similar occasion to him, in terms the most contemptuous:—“ We shall not waste our time in pointing out the difference between “ this juncture and that, a peace and a war.”

I am now, Sir, to carry the House with me into the personal equity of the contract between *Sir Thomas Rumbold* and his employers:—Upon the fair interpretation of that contract, I can prove that he *disregarded no spirit of orders*, but exactly did what the Directors authorised, and wished him to do.

I have stated the business of *Tanjore* as applicable in fair analogy to other tumults, and, *à fortiori*, to that most alarming of all tumults, a general war.

It's remarkable that, in *Lord Pigot's* conflict with his Council, upon the policy of sending or not sending the *Committee* *then*, it never struck him, or them, to suggest (as a centre of union between them, and compromise of differences) that all the Council should remain at *Madras*, and that Junior Servants alone should form the *Committee*; they never dreamt of this arrangement—and why? because they might as well have *abolished* the *Committee of Circuit*, as degraded and sunk the *official*, if not *personal* objects of their confidence.

“ But (says the Counsel) *Mr. Stratton's* deviation, who added Junior Servants to Members of the Council in his *Committee*, was “ *held justifiable*,” and, in order to demonstrate this proposition, he makes use of a singular argument, which I beg the House to remember, as I have a contrast in store for it—He says, the Directors *approved*, because they did not expressly *disapprove*.

The fact is, that a letter was read at the India-House, containing a detail of *Stratton's* conduct in a variety of articles—*this* deviation from the Company's order making one of them.—For that conduct, in general, *Stratton* was recalled.—The Counsel presumes, for the sake of criminating *Sir Thomas Rumbold*, that, because *this* measure was not *in terms* disapproved, *by itself*, it was, in truth, picked out from the heap, and made the object of a tacit, but implied approbation.

In order to judge of the measure itself, you should read a part of the orders in 1775, not stated in the Appendix to the Second Report.

The first breath of this Bill is false, and it's no trifling misrepresentation of the fact—It states, that a power of *appointing* the first Committee of Circuit was entrusted by the Directors to the Council, who were limited only to the number, and the rank of *their* nominees; but the fact is, and the orders prove it, that all who formed the Committee, as first appointed, were chosen upon special trust by the Directors at home, who seem to have conceived *them* equal to the whole work.

Upon *Stratton's* innovation by the appointment of Junior Servants, for such it was, the Directors are mute—They give *Sir Thomas Rumbold* no special instructions upon the mode by which a new Committee of Circuit may be formed, *without any Members of the Council*—yet, upon other parts of his future conduct, they give him special and very marked instructions.—Though *Stratton's* deviation was important, what must that of *Sir Thomas Rumbold* have been, if he had sent the Committee which he found,—a Committee formed of Junior Servants *alone*, who had yet, if they could act at all, power to bind the Council of Madras hand and foot? for they had power, under the orders, to settle the term and rate of the new assessment by their own discretion;—a just power, as applicable to the first nominees, or to any delegated parts of the Council, but inapplicable to the Junior Servants, either upon the argument of analogy, or common sense!

Now, Sir, against this curious argument of "*approbation implied*," "*because the measure was not in terms disapproved*," I am able to set off a direct and emphatical disapprobation of a similar Committee at *Bengal*, and of that arrangement, in particular, which had substituted *Junior Servants* in place of the first nominees, who were *Members of the Council*—This too in the year 1777, when *Sir Thomas Rumbold* was a Director himself, and joined in the censure—Read that censure, and you cry out, "*a second Daniel come to judgement!*"—but read the earlier doctrines of May 1775, or the later Philippic of 1781, and *Shylock* is in rapture with them again.—Late in 1777 they give a hard rap on the knuckles to the Council at *Bengal*, for doing what, according to *them*, *Sir Thomas Rumbold* should have done; for their appointment of *Junior Servants*.

In 1778, and three weeks only before *Sir Thomas Rumbold* gave in his first minute upon the subject at *Madras*, the Directors write again to *Bengal*, and say, "we disapprove every vexatious interference in "the Zemindar's private concerns; we abhor the idea of disturbing his possession," &c.

But return to the letter in 1777.—If in that habit of reasoning upon the subject at large, any local differences between *Madras* and *Bengal* had struck them, would they not have stated them?

The letters of May, 1775, themselves refer to the model at *Bengal*,—a model which had not then been tried.—It *was* tried afterwards, found impracticable, and the source of oppression, even though not in a war.—Impressed with it as ruinous, the Directors observe to the Council at *Bengal*, “that it has lessened the confidence of the Ze-
“mindars in the Government, and has occasioned great alarm;” they even lay particular stress upon the substitution of *Junior Servants* as making bad infinitely worse.

Sir Thomas Rumbold signs this letter, a little before he leaves *England*; signs it under the sanction of the Directors, with whom he then, himself a Director, co-operated—Shall these Directors have two mouths; one for *Madras*, and the other for *Bengal*? shall they be mute at *Madras*, and loud at *Bengal*? I defy the Accuser to point out a difference between the two situations, or the two Committees, upon the effect of the argument.

That is not all: *they* dissolve the Committee of Circuit; they reduce the number of the Council to six, make them stationary, and recall the only vital part of the Circuit, by recalling three of its Members, who *alone* were also Members of the Council; and providing no substitution.

Suppose the first nominees of the Company had acted, but the Directors had called them away, and had pointed out no substitutes, could the Council have made a new Committee? or suppose *Lord Pigot* had been recently told, at all hazards to detain the Council, could the Council have made a Committee of their own choice, out of other materials?

If *Sir Thomas Rumbold* had persevered in the Committee of Circuit, and his obstinacy had been fatal, what had the Directors to say? could they not have said this?—“We hamstrung your Committee, you set it loose; you made it *your* Committee, and must answer for it; you wasted your precious time, at this critical moment, in a job for your friends, by the revival of an institution dissolved, or suspended at least, by us.”

I shall be very short upon the reasons of the Board, and shall not say much upon what I may call the *Irish* duplicates. A mystery has been attempted, because in one of the records transmitted, the reasons are not so full, and that record first arrived. The fact is, that the other is the only genuine authentic paper, and though it arrived last, was put on board for *England* the first: the shorter sketch is the loose paper taken by the Clerk before he corrects and revises the minutes, which are afterwards put into form, and contained in *real* duplicates—

By an accident the loose paper has been sent in place of the duplicate.

All the minutes of *Sir Thomas Rumbold* are much to his honor; they mark a very correct understanding, and a vigilant guard over the Company's interest.

" But, (say the Counsel) the unanimity of such a Board as that of "*Madras*, in *Sir Thomas Rumbold's* administration, is no excuse"—and they state, with an air of triumph, an approbation of the Circuit, by the rest of the Council, a very little before *Sir Thomas Rumbold's* arrival.

I answer, first, that unanimity in the Board is a very important sanction to the measures which obtained it, unless force or deceit co-operated—" *prove it*" (I say to the Accuser) " and I shall then " agree that it was *no unanimity*, for the purpose of argument, or " defence."

On the other hand, if unimpeached, as it is, by evidence, it protects the measures, it protects them even more when it's compared with an opposite opinion, recently delivered by the same persons, but in a different state of circumstances.

" But (says one of the Counsel) there was no change in the nature " of the politics, nor had new events interposed."—The *argument* couched in that remark is very solid and just; it supposes that new events, or a change in the nature of the politics, would have justified the measure: but the *fact assumed*, is not the *fact proved*; for the nature of the politics *had* become totally changed; and so new an event as a war, in the room of peace, had arisen during this very interval, short as it was.

Now, Sir, for the contrast of the two arguments upon the doctrine of *implied approbation*.—Says the Counsel " Where any thing done " by a Servant of the Company is not in terms disapproved, it must " be taken to be approved, even though in a detail of his conduct, " this measure is comprized, and he, the Servant, is recalled in general, for his conduct so detailed."

Look at *Sir Thomas Rumbold* upon this argument.—The Directors know that he has discontinued the Circuit in March 1779—Do they disapprove of it? not in *words* at least:—perhaps they recall him for it: no—perhaps they censure him in general terms: no—They give him their warmest thanks, and those of a General Court, for his important services to the Government; and they don't accompany this tribute of approbation, with any hint that he has done wrong in suspending the Committee of Circuit, though, as the argument states that proposition, the measure of directing the Committee to proceed, admitted of not a minute's delay.—Did *they* set it forward? From the

the Letters of May, 1775, to the Letter of dismission written in January, 1781, there is not a syllable upon the subject, nor is the Committee of Circuit once named. Between the month of March, 1779, and January, 1781, the Directors write many Letters to Madras; but they sleep over the Committee of Circuit; upon that pressing topic they are benumbed.—The Counsel said, “as between the Master and the Servant, the *Zemindar's tribute was sent*”—Let me apply this rule of Judgement, and say that, *as between Master and Servant*, the Committee of Circuit was at an end, from the period of March 1779, till January 1781.

I will now tell the House why the censure was reserved for January 1781.—*Sir Thomas Rumbold* has a high sense of honor, public and private; it has made him often indiscreet.—Left-handed wisdom is no part of *his* talents or accomplishments.

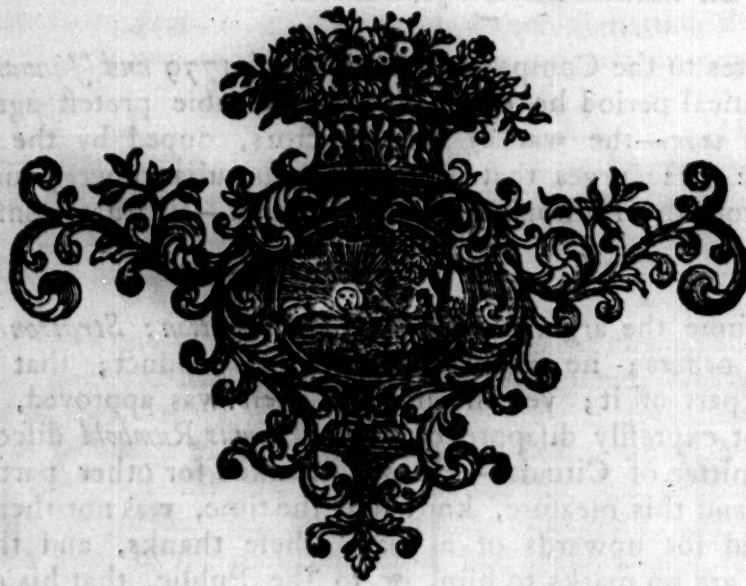
He writes to the Company *between March 1779 and January 1781*; in that critical period he enters a firm and able protest against the *Mahratta war*—the war of the Directors, duped by the Council of *Bombay*. He urges that protest with peculiar energy and force, a little before the *Philippic* of 1781 appeared—a natural consequence of it.

But resume the argument of *implied approbation*: *Stratton* deviated from the orders; he was recalled for his conduct; that measure formed a part of it; yet the measure itself was approved, because it was not expressly disapproved.—*Sir Thomas Rumbold* discontinued the Committee of Circuit.—He was thanked for other parts of his conduct, and this measure, known at the time, was not then or ever disapproved for upwards of a year; these thanks, and that forbearance, are no marks to him, or to the Public, that his conduct, in that measure was approved, or thought innocent. Silence, accompanied with a recall, approves—But silence, accompanied by thanks, and encomiums, does not approve.

Sir, he would not have merited those thanks which the Directors and the General Court bestowed upon him, if he had not suspended the Committee of Circuit.

It's a known fact, that all those troops which must have been employed in the service of reducing the *Zemindars*, if the *Committee* had proceeded, were employed at *Pondicherry*. The *Northern Circars* would have been defenceless, and open to *Lally* from the *Guntoor*, had we reduced the Military of the *Zemindars*; on the other hand, had we left them their Military, but affronted *them*, we should have endangered their allegiance.

We hired some of their troops, and found them active in the service.—In short, the suspension of an execrated measure ensured the attachment of the *Zemindars*, the peace of *their* Government the resource of their tribute; their political zeal was animated in our cause, and could alone have sustained the *Carnatic* to this hour, against that pressure of difficulties and calamity, which the *Mabratta* war has thrown upon it.



THE
DEFENCE
OF
Sir *THOMAS RUMBOLD*,
BARONET,
Stated by his COUNSEL,
Mr. *HARDINGE*,
IN THE
HOUSE
OF
COMMONS.

PART II.



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THE

DEFENCE

OF

SIR THOMAS RUMBOLD,

BARONET,

Stated by his COUNSEL,

MR. HARDINGE,

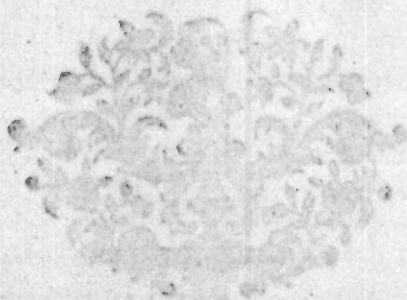
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T H E

D E F E N C E

O F

Sir THOMAS RUMBOLD, Bart.

P A R T II.

MR. SPEAKER,

BEFORE I proceed one step in the sequel of this, which I may venture to call a very interesting Defence, though conducted by me, the House will do me the honor to accept my warmest thanks for the unexampled indulgence of their attention to my former efforts. I am also to thank them for a second opportunity of doing every justice in my power to a character which I must continue to guard and cherish, as my own, till I can lose my zeal as an advocate, and the feelings of my heart as a man.

When I parted from the House, I had proved the Committee of Circuit a source, not only of alarm, but of actual oppression:—I had proved that no one advantage arose from it, but a survey of the land called *Havilly*, which the Company own as *proprietors*, and which bears no proportion, either in size or value, to the *Zemindaries*:—that not even in this land of their own had the Company attempted one inch of reform.—I had proved this Committee *abjured in principle*, and

suspended in fact, by the Directors themselves, a little before Sir Thomas Rumbold embarked for his Government—*abjured in principle* by their censure of another Committee, the express model of this, upon recent experience of its mischief—*suspended in fact* by a recall of its only genuine members then acting upon the service. I left the House apprised, that when the orders of May, 1775, issued, the experiment at Bengal was young, and unfledged—that when it acquired strength, and the wings of it grew, their flight was marked by rapine, fraud, and oppression.

The appointment of *Junior Servants alone*, enabling them to bind the Council of Madras hand and foot in the article of tribute, would have been madness unauthorised, irreconcilable to the orders of 1775, to the letter and spirit of them.—But a circumstance occurs to me, upon that view of the subject, which had escaped my observation; and it seems to me very material—It is, that, in the Company's letters to Bengal, the objection which they make to a Committee of Circuit, there, as formed of Junior Servants, lays considerable stress upon the effect of *their* estimate, as forming the basis of the settlement which the Council of Bengal should make in the article of tribute.—Apply that argument here.—The orders of 1775 must enable the Junior Servants (if they can act as a Committee at all) to *make* the settlement, themselves.—Can it be *wrong* that they should form even the *materials* of decision which the Council *may* reject or adopt, and yet *right* that they should not only form the materials, but act upon them so as to bind the Council by *their* Judgement alone?

An impending war, that critical feature of the time and the scene, is omitted by the accuser,—or, I should say, omitted in this part of his work; for I must always do justice to that ingenious bed of torture, the Bill:—*omitted here* it is, where it exculpates, vindicates, and assures praise to the act; but *inserted* as the leading feature of a later period, (and impressed upon the House by the Counsel with all the energy of argument,) because *there*, till the defence is heard, it has a chance of criminating the party accused. Yet, if those who drew this Bill had only dived in the records of Madras, they would have discovered that war is not the period in which novelties of any kind, affecting the Government, or the Revenue, can be safely attempted; that, in the best of times, they alarm the native, whom every change of system has oppressed; that, at least, they require a season of tranquillity, in which the undivided attention of the Government may be given to the subject, and the people can receive no external help to their jealousy or disaffection.

THE Committee of Circuit thus upon the shelf, our next crime is that of calling the Zemindars to Fort St. George, and settling the new tribute with them ~~there~~.

One of the Counsel has talked of a "*market removed from the Subordinates to the Board of Madras*:"—It surely, Sir, is hardship enough, that *allegations* of this Bill may stab their victim in the dark; and calumnies which are too ungenerous even for such a Bill as this, may have their full swing:—I scorn to answer them; but this I *will* say once for all, with as proud an aversion to a base crime as any man who hears me can feel, that if the Accuser can trace a *single Rupee* to the pocket of Sir Thomas Rumbold, wrung or pilfered from the natives, I should with pleasure see him beg his bread from door to door: As the punishment, however, of corruption, if proved, should be exemplary, the acquittal from it, if it is not proved, should be exemplary too, and compensate for the imputation, by terms of honor stamped upon the record.

It is the Accuser's fallacy to describe the suspension of the Circuit as a measure concerted with a view to that which followed it, the requisition of the attendance at *Madras*.—The latter was made necessary by the former, I agree; but the former was necessary in itself. The Bill asserts, that no other mode of enquiry was ever substituted, and that another mode could easily have been discovered;—but neither fact nor argument is attempted, in support of these propositions. One of the Counsel gravely observes, that a local Survey could not be accomplished at a distance from the land, so well as upon the land itself:—It required no *Ghost of Denmark*, to give us that knowledge. But as to the local Survey, it was, in the most harmless character of it, a jobb.—If I could mark an ascending scale of information, as a guide of the new assessment, I should mark it thus:—1. At the bottom of that scale, a local Survey of the land,—estimating the value of it from what it appears to be at any one definite period.—The fallacy of this guide is obvious to those who are conversant in the nature of the land: one season is no rule for the next; and the article of drought alone makes an essential difference. 2. Next, a Register of the improvements, of the annual produce, of the nett balance for a term of years past, and equal to that which is intended for the new assessment.—This information, of superior advantage to that of the local Survey at any one time, was at hand: it had the support of Eastern custom to recommend the use of it. But what is the *Land*, if the *pocket* which is to pay for it is not consulted? and therefore a higher degree of credit must be given to the *personal* situation, character, and even temper, of the *Zemindar*; especially as we have now proved that he is no *renter*, but *owner* and *petty Sovereign* of the land:—I would therefore place a knowledge of these personal articles at No. 3. the last and highest of the degrees which my scale admits.

With a view to this knowledge, the Government at *Madras* would have infinite advantage over the Subordinates, even if *their* conduct had been ever so temperate and judicious; because the natives of the East pay a very singular attention to rank, and would often refuse the same

same proposition, or embrace it, as made by an agent, or his principal and superior.

The settlement at *Madras* was, in one very material point, a substitution for the Committee of Circuit in the hands of the Council: it executed the best, if not the only sound principle of that arrangement; it broke the little politics of the Subordinate, by forming a direct intercourse between our tributaries and Government, at the fountain-head. *That spirit of the orders* in 1775 had been sacrificed and betrayed in 1776 by the appointment of subordinate Chiefs, though members of the Council; for they soon infused the cabal and corrupt intrigue of the Subordinate character into the Committee thus deformed. Before this fatal measure was carried, a debate arose upon it; and those who dissented were prophetic in their discernment.

One of the Counsel has told us, that *Sir Thomas Rumbold's* reasons for the measure in this view are "the arguments of children;"—children are pretty full grown, who can argue so well. "Hitherto" (says he) "the *Zemindars* have considered the Subordinates alone as " the Government; all communication between us and them has " been cut off:—Let us remedy the mischief:—Let them look to " the supreme power for protection; let them appeal there, if they " are injured; and let us trample under foot that partial interest of " the junior servants, which has weakened the confidence of the " native in our dominion." In May, 1778, he complains to the Directors, that a shameful scene of abuse has been acted by the Subordinates; that he and the Council have rescued the Company from those intrigues, which had so often kept their troops in the field, and wasted their strength; have opened, and shall persevere in opening to the natives an immediate channel of redress to the Board of *Madras*. In a subsequent letter of the same year, he says, and the Council with him:—"The uncontrouled power of the Subordinate " Councils, and the *mutual interest* between this Presidency and " them, have oppressed the *Zemindar*, and impoverished the revenue: " we mean to recover your tributaries from the load of debt which " presses them down; we shall strike at the root of these evils, " and the *Subordinates alone* will complain."

Were these abuses, alledged by him, fictions? I shall too soon draw a picture of them, which the House will not see without extreme indignation, and which, even in a time of peace, would have compelled the reform. As to other local advantages, the Committee of Circuit being at an end, (which must ~~be~~ be assumed) the Subordinates had no superiority over the Council at *Madras*. The same records, estimates, accounts of every kind, which it was the habit of the Subordinates to consult if they did their duty, were laid open to the Council at *Madras*: the *Zemindars* were checked by the same officers of revenue: the same personal experience enlightened the

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Superior Council, and even formed a part of it; for the six who composed the Board, four had acted in high Subordinate stations; two of them recently. As to the reform of Government and Police, the favorite chapter upon the Committee of Circuit, we hear of it no more: the *Missionary* is become a *Land Surveyor* and *Collector of revenue*; but his military coat slips off.

In general, upon the 24th of March, 1778, the condition of the *Northern Circars* was this:—Abuses had been committed by the Chief and Council of the inferior Governments—A total failure of Revenue had been incurred.—The *Zemindars* were embarrassed with debt, and almost insolvent.—They had many dissensions amongst themselves; a calamity always injurious to the Revenue.—They were become jealous of the Government; and the Committee of Circuit had inflamed that jealousy to something very near disaffection and revolt.—No accurate knowledge of their circumstances had reached the Company, or the Council of *Madras*. Were the Subordinates equal to the conduct of this intricate machine at so critical a period?—It is agreed they merited no such confidence.

The objects and principles of the requisition, made by the Council of *Madras*, were these:—To rescue the *Zemindar* from intrigue and oppression; to conciliate his mind, adjust his local dissensions, redress his grievances, examine his accounts, judge of his resources by those accounts properly checked, and give the Company at home a fair picture of his personal situation: in short, by sound and just, though conciliatory, arrangements of revenue, to secure the distant provinces against French invasion, or French intrigue.

As to the *immediate* change of the term from three years to five, it was formed upon the soundest policy. The records of *Bengal* are decisive in favor of it; the experiment there has been tried in various forms, and the result is, that even the Council of *Bengal* themselves recommend five years at least—many of their assessments are even for life. It is observable that, by the laws of the East, the cultivator's term has no limit but that of his life, unless he makes default in the payment of his rent: it seems, therefore, a little singular, that his landlord, the *Zemindar*, should be at the mercy of a shorter period. But the cultivator has a common interest with him, that his term should be enlarged, and his tribute moderate—because the cultivator's *rent* will always be regulated, in its duration or amount, by the increase or diminution, security or precarious nature of the sum which the *Zemindar* pays to Government in the shape of *tribute*; and he execrates nothing more than to have his landlord converted from a *Zemindar* into a farmer of the soil, who has no rooted interest in the land, or affection to the native, commits unbounded oppression, makes the most of his power for his own time, then settles his account with Government by the "*undlitura*" of insolvency and flight. The new term (five years) gave the

the Directors time for the benefit of the local survey, and for those reforms of Police and Government which they seemed, in their letters of 1775, to have so much at heart. The five years are almost elapsed, but the war is not yet over; and if that war is *new* an impediment, it *was* an impediment when the Committee of Circuit was discontinued, in the year 1778. If, on the other hand, Peace had sooner interposed, the enquiries would have been renewed under happier auspices—the *Zemindar* at least, and the native in general, would have given less obstruction to them after they had been thus conciliated, and their property made secure by a term of longer duration than the last. This permanency of tribute was also an acquisition of the most important advantage to *us*, though it *bribed* them to improve the sum—the only *corruption* which I can discover in *Sir Thomas Rumbold*; unless it shall be said that he was *bribed* by the *Zemindar* to make him pay more than in justice, or in sound policy, could then be required from him.

The *Mabometan* Prince accepted a moderate sum by way of tribute, and made it permanent—guarding the native against the rapine or intrigue of the Subordinate Ministers, and the Government against their fraud or treachery. A demand of tribute, if *immoderate*, stifles industry in her cradle, for it always reaches the cultivator. An *increasing* demand clogs and impedes all her operations—over-ratement and remission, the insecurity of term, and that of revenue, play into one another's hand.

Sir Thomas Rumbold offended, in part, against those principles:—It is true that he conciliated the *Zemindars*; but he tempted them to engage for *too large* a payment—The result has been, the most ingenuous wish and zeal, on their part, that no arrear should be left; but a real incapacity has hung over them, and obstructed all their efforts—Yet I shall prove at the Bar, that, in consequence of these very arrangements which the Council made with them at *Madras*, they have paid into the Company's treasure, a portion of revenue unexampled in the same period of time. The *sum* indeed, and the *term* of the new assessment, are not arraigned by the Bill.—I may therefore assume them unexceptionable—though it is true that our *friends*, the Directors, have arraigned them; and the new tribute had certainly a vice in *their* estimate of it—it was *only*, in the total, an *increase of fifty per cent.* upon the old Moorish rental.

The attendance of the *Zemindars* at *Madras*, ineligible in itself, must be always considered as a part, and the necessary part of a *System*, in which, as in almost every system of reform, inconveniencies are set against advantages, and the fair question is, Which preponderated? The stay of the *Zemindars* at *Madras* till after the fall of *Pondicherry* (which, however, was unavoidably occasioned, first by the various and extensive concerns which they had to settle there, and afterwards by the setting-in of the monsoons), proved, in one respect,

spect, of peculiar advantage to us.—It made them Hostages for the Peace and allegiance of their own Government—though here I recollect a peremptory assertion of the Bill, that the measure of calling the *Zemindars* to *Madras* “ was dangerous to the Governments “ which they held.”—I have no objection to that averment, if I may insert after it these words (and they are warranted by the fact): “ which Governments have been maintained in their allegiance by “ the said measure, and have not only been at peace ever since, but “ have been found the most liberal sources of military supply, of “ active service, and revenue.” The arrear of the *Zemindars* was, at this critical and awful period—enormous.—That arrear was one bitter fruit of Subordinate intrigues. Mr. *Sadlier*, the *Abdiel* of the Subordinates (by his own account of himself) taints them with *bribery*.—He advises his friend, *Sir Thomas Rumbold*, in a letter of confidence advises him, to persevere in his *great reform*; but, in the next breath, he insinuates other advice, which could spring only from a character like his own:—“ Leave them” (says he) “ to themselves, “ else, depend upon it, they will be happy to lay their sins at your “ door.” Yet, though *Sadlier* is a favorite of the Bill (and has been graced by other approbations), the remonstrances of the Subordinate, thus announced and explained by him, form an allegation in the Bill, and it is an offence in *Sir Thomas Rumbold*, that he disregarded them. The Counsel indeed say, that “ Subordinates merit no confidence; “ they are gross peculators; their objections don’t weigh a feather in “ the argument;”—yet they offer the remonstrances of those very Subordinates in evidence, and even upon their *assertions* alone half the libel of the Bill is formed.

These remonstrances have certain ear-marks upon them. To the *Committee of Circuit* the Subordinates make no objection—why? because the course of that reform, as reaching *them*, would be extremely deliberate—they could embarrass it themselves—the offender was to sit in judgement upon his own guilt, and say, as the old Judge is quoted in *Blackstone* to have said, “ *judico me cremari*,” for partly through their Chiefs, as Members of the Council, and partly by themselves, as Junior Servants, *they* could form, it seems, a part of the very Committee intended for the controul of their intrigues. To the *discontinuance* of that Committee they had no objection—why? because it left them in full possession of the local powers which they had so long abused. But the moment of calling the *Zemindars* to *Madras*, they cry out and shriek; from North to South you can hear them: that blow rouses them from their corrupt lethargy, to an active centre of union against the Council of *Madras*. They feel themselves dethroned into factors and collectors alone; which, in sound policy, should ever have been their sole province,—because the *settlement* of tribute, and the *collection* of it, should never be in the same hands; nor should the power of making the settlement be entrusted to ministerial Councils, but reserved

served by the Company to the highest class of their Servants and Representatives.

Sir Thomas Rumbold acted (and he glories in it) upon a system of "direct opposition to the most valuable and essential interest of the Subordinates:" he meant so to act, he professed it, and he justified his enmity as a public man. In the able and celebrated reform which a Member of this House has taken up for purposes of Political œconomy, would he have thought his fame, or (which he had more at heart) the success of his plan, at all endangered by the remonstrance of the subordinate Boards, at whose undue profits he aimed a thundering blow?

Against the Subordinates, even the two Brothers at *Vizianagram*, (whose dissensions fill many lines of this Bill) dissentient or united, enter their protest. *Mr. Sadlier* has two characters upon the subject:—In the public letter, He, the Chief of a Subordinate Council, has the "*Esprit du Corps*" strong upon him: he remonstrates with all *their* malevolence and partiality; but in the *letter of confidence*, he talks another language, irreconcilable to this; proving by that feature two material facts; the confidence attracted by his *private letter*, if it had not in terms been imposed; and the duplicity of his Politics. In his *private letter*, he says the *Zemindars* are Bankrupt and ruined; they distrust the Subordinates, who will obstruct the intended reform: yet in the *public letter* signed by this very man, at the same time, "the *Zemindars* are solvent, and wish "to pay."—He too, as Chief, not only does not check the obstructions of the Council to the measure, but is the main disturber of it himself: he insinuates objections to the *Zemindars*, which they respectfully adopt, though, uninstructed by *him*, they never would have dreamt of them.—*He* tells them the journey will be annual, and apprises them of the severe terms, which, in his opinion, will be expected from them at *Madras*.

The option fairly described was this:—Are the Subordinates, or the Council at *Madras*, fitter, at this period of distress and approaching war, to make the new arrangement of tribute? what is the obvious *interest* of the Subordinates? even a *shorter* term, and the *delay* of any settlement at all.—The interest of *Madras* was that of the Company; in other words, an *immediate* settlement of a *just, conciliatory*, and *lasting* revenue. If all the *Zemindars* had protested against the attendance, *when first required*, (than which nothing is more false) it would form a mutilated ground of argument, even upon the subject of their aversion to the measure.—They should be asked, in all stages of it; when they returned, and at this hour, if it was injurious to them, or so understood and felt. If it had been an idle homage (though, even in that view of it, it was no innovation, but an Eastern custom familiar to the habits of that Government,) or if it had ended in flat oppression of tribute, it certainly would have been

been *wrong*:—but if the increase of revenue was conciliatory to the *Zemindars*, and adapted in some degree, *though not enough*, to their powers of payment; if their assent was courted by the security of the term; if all their differences were quieted, and the infamous cause of their distress exposed; the measure in that, which is the correct, view of the subject, was *right* and meritorious.

The journey, as I have said, was indispensable to the end proposed; and it had the peculiar advantage of respecting an Oriental habit. If, as the Counsel has told us, “*practice makes right*,” in a recent application of it through the Company and their Servants, it surely “*makes right*,” with at least as much efficacy between our Government and the natives, if it has the sanction of *their* immemorial customs and prejudices.

The *real* objects of the letter in 1775, were two:—increase of *English* revenue by an act of despotism, and a reduction of *Eastern* power by force. As to the *Reduction* of their *Military*, it became in 1778 a desperate attempt: Government was not equal to it; and it would have been madness, at that period, if it could have been accomplished; because it must have impaired our defence, and shaken their attachment. As to the *Revenue*, it was increased by agreements well secured, and without offence to those, whom it was then obvious policy to conciliate.

I have touched upon the reluctance of the *Zemindars*:—the fact is, that none who came expressed any reluctance whatever. But if the reluctance of *Zemindars* be a topic of charge, had *they* no reluctance in 1777 to the Company's orders of 1775?—no reluctance in those provinces, which are described by the Committee of Circuit themselves to be in the same condition “*as if Hostilities were commenced*?” Why is a reluctance, which never existed, made an allegation of the Bill, and *that aversion*, which is proved by the accuser's own evidence, omitted? Of the *Zemindars* who came, the readiness and good-will are marked by the Subordinates themselves. I call the peculiar attention of the House to the manner in which the Bill states the distance between the residence of the *Zemindars* and *Madras*; because a mark of such fallacy has perhaps never occurred, even in an advocate's argument. In stating the distance, it names only *Ganjam* and *Vizagapatam*, as if the *Zemindars* came to *Madras* only from thence.—Of these places *Ganjam* is the most remote; yet from thence not a single *Zemindar* came to *Madras*; from *Vizagapatam*, a distance less remote, but amounting to 500 miles, *Vizeram Rauze* only came, and with his perfect assent. *Masulipatam* is, in this part of the Bill, entirely overlooked, though, out of 18 *Zemindars*, no fewer than 17 came from thence:—why omitted? Because the distance of it from *Fort St. George* is inferior to that of the two places which are named.—It is indeed said, in another part of the Bill, that

obedience was enforced from the *Zemindars* of *Masulipatam*; though even there the accuser misrepresents the fact, for he says that *most* of the *Zemindars* of *Masulipatam* came. The fact is, that 17 came out of 31, a little more than *half*.

The Bill has called in aid the former obstructions to *Visseram's* journey: I shall touch upon them hereafter; and shall prove, that, if no other inducement operated, the intrigue of the Subordinates upon that occasion made the journey of 1778 indispensable to the Company's honor and welfare.

But (we are told) "the Subordinates at *Masulipatam* represented "the absence of the *Zemindar* as tending to impede the collection of "revenue:" It is no such thing; they only represent it as tending to impede future payments by the *Soucars* (Bankers), upon account of the current arrear: but if they *did* represent the tendency to that impediment, is it evidence that it *was* the tendency *in fact*? Sir, I can't enough protest against these new averments upon guilt or innocence:—Could a *Minister* be so tried in the most eager times of party-rage against him? Could it be said, in a *Bill of Pains and Penalties* against *him*, that he, supported by Parliament *unâ voce*, disfranchised the Borough of *Shoreham* for bribery, though all the other corrupt Boroughs of the Kingdom protested against the innovation? The Subordinates were deeply interested against a measure which *had* the tendency to expose and counteract *their* dishonourable intrigues. Why had not they called in the payments due in September, 1777? Why had not they called in the subsequent arrear of March? In that month, two thirds of the annual tribute, commencing September, 1777, were due; and all the collections were over in April. I must apprise the House, that in September the new assessment is made, and commences from that period; but the first payment, which is due the following March, comprizes two thirds of the whole annual tribute. At the distance of two months previous to it, before the time of payment comes, the *Zemindars* apply to the *Soucars*, and borrow the money from *them*, engaging, in return for it, the nett produce of the corn which is then upon the soil: but, the Company having a paramount right over that crop, the Bankers pay the money which they advance, or secure the payment of it, into the Company's treasure. The shape in which they make payment is, by what are called in that country *teeps*, or Bills, payable in two or three months, but not in the course of traffic negotiable, though discounted upon urgent occasions.—According to this process, when the *Zemindars* came to *Madras*, if they had been punctual, their *teeps*, or Bills, which must have issued in January, would have been due for two thirds of that year's revenue; whereas, they owed, at that moment, eight *Kists*, or payments, out of nine, almost the whole of the annual tribute; which is divided into nine parts. How came it that the *Zemindars* of *Masulipatam* were become solvent, and even desirous to pay, just at the moment they received

ceived notice of the journey to *Madras*? On the other hand, if that assertion were as true as it is false, how came it that (as we are told in the next breath, by the same witnesses) they were too poor to undertake the expence of travelling? Or, if ready to pay in March, when the notice came, why not pay some part of the arrear between March and May, the time of setting out upon their journey? *Sir Thomas Rumbold's* comment upon such evasive accounts from the Subordinate, are not very despicable:—"We must guard against these enormous balances; but let us first ascertain them:—let us hear the *Zemindar*, and redress the injuries which he has received."—Are these words of an oppressor, and of a tyrant! The *Zemindars* of *Masulipatam* owed for tribute £.203,636. They owed, in debts to the Bankers, £.234,732. for which they paid interest at the enormous rate of two and a half per cent. a month. Of this tribute, they should have paid £.81,956. before the September preceding, and the whole should have been collected in April. As to the loan from the Bankers, and the load of interest which they exacted, the mischief arose from the impolitic usage of requiring the *Zemindars* to secure, by the help of these Bankers, two thirds of the annual tribute at the time of the loan, which took place in January.—*Sir Thomas Rumbold* (whose eye never slept over the minutest parts of the complicated system put into his hand) proposed the abolition of this pernicious custom. But his general plan of conduct by the *Zemindar* would of itself produce the effect of lowering the Banker's interest—because, in proportion as the term of the *Zemindar* in his land is made secure, the interest or premium for the loan is reduced. The whole accumulative debt (this arrear to the Bankers included) was no less than £.438,368.

What pledge had the Council of *Madras*, that the Subordinates, who had given birth to all those difficulties, would extricate the Company out of them? What had they done—what use did they make of the *Zemindars* who staid at *Masulipatam*? I lay no inconsiderable stress upon the fact, that every *Zemindar* of *Masulipatam* owed the same portion of arrear; a fact which admits of no solution but one; a neglect of all the arrears, from a certain period, by system; for the personal situation of every *Zemindar* could not be the same.

No collections of tribute were, in fact, impeded by the absence of the *Zemindars*, though it is true that *Vizeram's* manager waited his command, before he would pay over into the Company's treasure what he had collected from the land: *Vizeram* had notice of this obstruction, and gave an immediate order for payment. Very large payments, in discharge of their Tribute, were made by the *Zemindars*, during their stay at *Madras*; by the *Vizianagrum* family; upwards of £.23,000; by the *Masulipatam Zemindars*, upwards of £.78,000.

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The distance was at least nothing to *Vizeram Rauze*, who not only came 500 miles, with his own assent; but, when he returned, went out of his way 240 miles to *Tripetty-Seringum*, his *Lady of Loretto*.

I agree that some additional expence was incurred by these journeys; and *Sir Thomas Rumbold*, the ruling feature of whose Political conduct was parsimony, lamented over it himself—he sent circular letters to every *Zemindar*, which recommended that as little expence of this kind as possible should be incurred.

As to the long stay of the *Zemindars* at *Madras*, it must be remembered that many of their disputes were to be equitably adjusted, and they refused all previous arrangement of tribute. *Sadlier* indeed had said, “You had better settle their tribute first, and their differences afterwards;” but the wisdom of common sense (which these BARBARIANS possess) made them too cunning for so ungenerous an advantage over them. The dissensions too were of themselves obstructions to the revenue; and if in *Masulipatam*, no less in *Vizianagrum*, the scene of those disgraceful quarrels between *Vizeram* and *Sitteram Rauze*. Their stay at *Madras* till November, as it happened, was fortunate; *Pondicherry* was not captured by us, till October, and the affection of the *Zemindar* hung very much upon the fate of that siege.

“But all the agreements of tribute were made with *Sir Thomas Rumbold* alone”—Whose fault? was the access barred by him to every source of knowledge consulted by him? Could *he alone* see the *Zemindars*, the *Musmedars*, the *Dubashes*, &c.? could *he alone* read the Company’s records? Is the confidence of the Board in his unimpeached veracity insidious; or *their neglect his crime*? Is the weight of his character an imputation upon him; the exertion of his talents a depraved activity; or the assent of the Board a concerted guard over his intrigue, and their own?

Says the Counsel “You should have stipulated for all you could obtain from the *land*.” I say “from the *purse* and the *good will* of the *Zemindar*.” To dispossess him of his land would have been ruin; It *has* been little short of ruin at *Bengal* to attempt that insult, and it has ended in accumulated expence to the Company’s treasure.

The increase of tribute imposed upon the *Zemindar* was *too high*; it was no less than £.14,000 a year at *Masulipatam*.

As to *Vizeram*’s tribute, the accuser may argue in his reply, that it was inadequate. But you will have proof at your Bar, that it was even injurious to *him*; as being of too large an amount: His troops were not, as the Counsel told you, disbanded; though, like the market

market of *Almasabar's* glasses, the event had been assumed by the Committee of Circuit in 1777, as the inevitable consequence of our demand. It is a mercy that a few only of these troops were disbanded—conceive *them* at an end, and the Company's force carried away to *Pondicherry*—which is the fact—*Vizeram* disgusted with us, and *Lally* at his elbow, in the North:—at least no revenue could have been collected, and perhaps the *Rajahs* of the neighbouring hills might have wrested the *Circars* from the Company's hand.

The Household expences of the *Vizianagram* family were great; *Vizeram* was fond of parade, and had been always indulged with it; his private embarrassments of debt were loads upon him—He had made illegal and lavish grants to his favorites—he had engaged for *their* debts, and he had lost part of his territories—Every increase which could be obtained from him, was attempted by *Sir Thomas Rumbold*, at whose request he was examined by the Board, and urged in vain to a larger tribute—(This was *Act the second* of their tyranny over him; and here at least they had the good of their employers at heart)—The Government *could* not reduce him *by force*. It was no time for experiments: to recover his balance was of itself an object of important value; his arrear of tribute alone was alarming, to say nothing of his other numerous debts.

But our agreement was “*dissatisfactory to the Directors*, on account of the *term* and the *sum*,” a shameful allegation!—If it had been *satisfactory to them*, would it be a competent plea in *our* favor, had the measure been arraigned by the Legislature? *Imputations* of crime, from whatever source they come, are neither proofs nor even testimonies of it. If the Directors are to decide upon *Sir Thomas Rumbold*, those Directors who in 1781 devoted him as the victim of their calumny and resentment, what innocence could save him? I would not ensure his life an hour.—Again I ask why, in 1781, so bitter; and why in the many letters which they write *before* 1781, but *after* notice of this complicated guilt, so gentle and humane?—they not only knew, in March 1779, that he had suspended the Circuit, but that he had summoned the *Zemindars* to *Madras*: Of the former measure (which made the latter necessary) they utter no opinion whatever: insidious, if not genuine sleep! Of the latter they only say, “We shall tell you our opinion hereafter:” Is that even a *notice* of censure? But mark by what evidence the *dissatisfaction* is proved;—the accuser's Counsel has read that part of the *Philippic* in 1781, which enumerates, in the lump, all the iniquities of *Sir Thomas Rumbold*; but says nothing of the very point for which it is read, namely, the reason which the Directors assigned for their censure of the new tribute settled at *Madras*.

At the end of this *Philippic* *General Munro* is exempted from punishment, “because *he* is incapable of corruption:” what Judge, or

even party assuming the judicial character, ever dared to make such a distinction before.—Why is not *Sir Thomas Rumbold* as incapable of corruption as *General Munro*, his active and zealous friend?—It is added that he fights well; from his pedestal, therefore, he can look defiance at the Justice which is fit only for *Sir Thomas Rumbold*—“*Gloria justitiam vincere*,” was the motto of *Lord Clive*, and given to him in effect by this House; but I little thought it would reach any other General, who could not plead that he was *Heaven-born* like *him*.

We are told however by the Directors, that Politics like those in which this *incorrupt* and *brave* General so *grossly* erred “were out of *his* line”—yet *he*, by the marked and emphatical confidence of the Directors in his *political* merit, had the power to make his opinion convert that of a minority into an Act of the Board, upon all Questions of Revenue, or general Government. I have stated this confidence as emphatical, and it appears from the History of *Sir Robert Fletcher*, who had not a vote at first but in *military* concerns—The Company afterwards gave to *him* a vote upon *every* measure, and continued it in special terms to *Sir Hector Munro*.

“The declared objects of the Circuit are *still* unattained”—*still?* *whose* fault, since the Company had notice of *Sir Thomas Rumbold's* neglect? Why had not *they* pressed the measure upon *him* in 1779, or in 1780?—Why not press it upon *Lord Macartney*?—Sir, that noble Lord has a rope at this moment upon his neck, if no change of circumstances can suspend a general though peremptory order.—*He* carried with him orders to send a Committee of Circuit, *without loss of time*;—A year has past, and advices are come that no Committee has yet stirred.

But I deny that *no* objects of the Committee as instituted by the letter of 1775 are attained; for two of them were attained and fixed: the revenue was increased by a temperate but solid accession to it, amounting to no less than £.36000 a year, and the chain of Subordinate Politics was broken; the payments, ever since the last *Cowls* of the *Zemindary* land at *Madras*, have been more punctual than ever, and the affection of the native engaged in our service;—the enemy was disarmed of half his power, and *Pondicherry* was captured at *Madras*.

Treatment
of the *Vinjanagrum* family at *Madras*.

I AM now, Sir, to vindicate those *five* measures of the Council at *Madras*, which are stated as lavish concessions to *Sitteram Rauze*, and as *purchased* by him.

I.

The appointment of *Sitteram Rauze* to be in effect the Company's Duan, but the nominal one of his Brother *Vizeram*.

II.

II.

The reconciliation of the two Brothers.

III.

The confirmation of *Guzzipetty Rauze*, the Son of *Sitteram*, as the adopted *Rajah* in succession to *Vizianagrum*, by a *Cowle* (or grant) from the Board.

IV.

The annexation of *Ancapillee* and *Sitteverum* (two *Zemindaries*) to *Vizianagrum*.

V.

The restitution of the Fort at *Vizianagrum* to *Vizeram Rauze*, who had been dispossessed of it by the former Government.

Character here, and that of two important Actors in the scene, is drawn by the Bill.—Yet *character alone* is not the test of *merit*. Here, as in fifty other parts of this Bill, the allegation may be a *literal* truth, but the charge conveyed in it *false*: the character may have been unjust, and the measure of preference, counteracting that injustice, meritorious.

Vizeram's true character, though a key to the false one of his Brother, and of *Jaggernaut*, his competitor, has been omitted; yet nothing is more notorious; and the *Secret Committee* have stated the fact, that *Vizeram* was unequal to the management of this district, or to any personal confidence in him alone—that *Sitteram*, his Brother, and *Jaggernaut* (his artful Servant) were competitors for an ascendant over him: yet the accuser, apprised of this fact, has the *delicacy* to pick and select from *Vizeram's* letters, those only in which he is apparently offended with *Sitteram*, as if they were marks of his *genuine, uniform, and just* aversion.

I shall first offer to the House a general picture of this family, new to the subject as it has been hitherto understood. At the time of these transactions *Vizeram* had not long been of age; he was timid, indolent, superstitious, vain, fond of pleasure, weak, and easily governed: his affections were mild, and the love he bore to his Brother was a characteristic feature of him. By the intrigue of his Aunt, he had become *Rajah* of this wealthy and powerful district, in prejudice to *Sitteram*, his *Eldest* Brother, who resisted for a time, but submitted upon terms.—A solemn Agreement was made between the parties, that *Sitteram* should be the *Duan*, or *First Minister*, of his Brother; that, in effect, he should be the *Rajah*, though his Brother should reserve the name and parade of the Superior—*Sitteram* was even called *Rajah*, while he acted only as *Duan*—The *legality* of his Brother's appointment as *Rajah* was disputable; *Sitteram* disputed it before the Council at *Madras*, and *Vizeram*,

zeram, who confronted him, gave a very shuffling answer upon the subject.—By the laws of the East, a division of the inheritance in its value is an act of justice to the several Brothers; which, if they claim it, they are sure to obtain—But the division is never made, or claimed, because its principle is felt and understood.—Family affection is a ruling feature of the Eastern character, and Brothers, if not alienated by the intrigue of strangers, live in harmony together upon a common purse, and common interest of every kind.

Sitteram Ranze acted as *Duan* of his Brother 16 years.—From the year 1766, the Company respect him as the *Rajah* of the district, or state them as the *Rajabs*, or still oftener THE BROTHERS; for they acted hand in hand, and were considered as forming one *Rajah*—a singular description of these inveterate Enemies. The *Duan*, having an active mind, at once undertook the management of his Brother's territories, and that of the Company's land, called the *Gbicacole Havilly*, which his Brother had rented.—He acted with approved and punctilious fidelity in both of these offices.

In the mean time *Jaggernaut*, a servant, who had acquired the confidence of the two Brothers at first, poisoned the mind of the *Rajah*, and, in the words of *Shakespeare*,

————— with jealousy infected
The sweetness of affiance. —————

1776 The *Duan* retired in ~~quell~~, and scorned either to resist or to resent.—*Jaggernaut* pursued his blow, and inflamed the dissention which he alone had formed. No one imputation had been ever thrown upon *Sitteram*, but that of superior abilities, high spirit, and of ambition, "the fault of angels," never misapplied, never injurious to the Company, or his Brother's good.

In this condition, at an early period of 1777, the Subordinate Councils at *Vizagapatam* find the two Brothers, and the Servant. They begin well, in the rule and principle of their conduct, though in the mode they are precipitate and ill-advised. They feel the chain upon *Vizeram* as a chain upon themselves and the Company's interest. They give *Jaggernaut's* true character—they imprison him for treason; and commit violence upon the *Rajah*, because he protected him against that imprisonment. Yet, Sir, in the two little months of *Hamlet's* Queen, *Jaggernaut* is become the purest of characters. Then it is that *Sitteram* is persecuted. A Civil War is encouraged by this intriguing Government.—On the one side are wealth and power—on the other, abilities, high spirit, and, above all, that spur to enterprise a resentment of oppression.

At last the Committee of Circuit are formed—then *Vizeram* is to be oppressed, and *Jaggernaut* is only to be favoured, as an outcast from him.

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The Bill opens the competition, with *Jaggernaut's* character, described in terms rather singular, and pretty safe—"He was considered as a person who would govern the Countries with lenity and justice."—*Considered? by whom? or upon what grounds?* The Subordinates give him a *bad* character upon the 15th and 25th of February, 1777, in letters to *Madras*, and yet the Bill does not give a hint that such a character is to be found, though it states the approbation of this very man, by the writers of that character.

In the letter of the 15th of February, 1777, they first accuse *Jaggernaut* of a cheat and falsehood, relative to his claim upon the *Zemindary* of *Ancapillee*.—"No *Ancapillee* for him," is their advice, "if it were only to punish him as a liar and a knave." They recommend *Sitteram* as the *Zemindar* of the *Ancapillee*—they praise his abilities; and they add, that his ambition, the only fault which is charged upon him, operated only for his Brother's good; for, though it was thought, at first, that he conquered for himself, he surrendered the acquisition to his Brother. "As he has no settlement, is a man of great abilities, and some property, we know of no objection to his application for the *Zemindary*, except an opinion that has been generally entertained of his ambition; but this opinion was formed when he was endeavouring to acquire territories which were supposed to be for his own aggrandisement, though evidently intended for his Brother, to whom he relinquished them.

"Should you, for those reasons, think proper to bestow the *Zemindary* upon him, we think, upon *Political* grounds, that as he has a son, the *succession* ought to be secured to him; by which he will be bound to the Company in the ties of gratitude: and we are persuaded that he will punctually discharge the present *Jemabundy*, or any increase which the Committee of Circuit may hereafter think his *Zemindary* can bear."—In this engagement for his punctuality, they were prophetic. They add, that *Vizeram*, his Brother, owes him a large debt; but they have no doubt that he will pay it, when free from *Jaggernaut*, who has the ascendant over him, and abuses it."

Upon the 25th of that month, a second letter states that *Jaggernaut* is accused of *treason* by the *Chief* of the Subordinate Council, who presses a general charge against him, as having made it necessary, by his *treasonable practices*, that an armed force of the Company should be in the field and watch him. The *Chief* informs the Council, that he has made repeated and fruitless remonstrances to him against the support which he gave to a *rebellious Rajah*, who was guilty of *murder* and *treason*; that *Jaggernaut* has often *promised* reformation, but has violated those promises; that he, the *Chief*, has detected him by the means of his own private messengers.

Another charge (preferred also by the *Chief*) is, that when *Collins* besieged the Fort of this *Rajah*, *Jaggernaut* supplied his *Vackeel* (or Ambassador) with 500 men. The *Chief* adds the authority of *undoubted intelligence* to him; that *Jaggernaut* had secretly imported arms from *Yanam*, a French port and factory.

He next informs the Council of a detached and written account from *Sitteram Rauze*, (which is enclosed in the letter to *Madras*) representing, but in more general terms, (with only two or three additional circumstances) what the *Chief* knew by "*undoubted intelligence*," and from other sources of knowledge. In this letter of *Sitteram*, his affection to his Brother, that strong feature of his character, is marked.—He is at that moment banished from him, and out of his favor; yet he exculpates him with tender anxiety, and assures the *Chief* that *Vizeram* will ever be the Company's friend. They add, that all these charges against *Jaggernaut Rauze* determined them to imprison him "*as an enemy to the Company*:" the exact reverse of his *false* character as drawn in the Bill, and the very character which, in the same spirit, that Bill has drawn for *Sitteram Rauze*. They mark (often in strong terms of expression) *Jaggernaut's* ascendant over *Vizeram*; they give it as a reason for secreting from him their plan of imprisonment.

They state the imprisonment itself; the escape of their prisoner to *Vizeram*, who flies with him from his palace, but flies with an armed force. The *Chief* overtakes them, and accuses *Jaggernaut* of treason; *Vizeram* promises to surrender him, breaks his word, recommences hostilities, and perseveres in his protection of *Jaggernaut*; the Council negotiate with him by an Ambassador, but they can make no impression; *Jaggernaut* represents to him that his own life is at stake, and he sways him to all his purposes.—"*Vizeram's* resistance (these I think are the words of the letter) originates from him, who has ever been considered as a designing, artful, ambitious man, and the sole cause of the discord between the two Brothers.—He (*Vizeram*) is well affected, himself, to the Company, but misled by *Jaggernaut*;"—who is the Company's friend, if credit can be given to the Bill.

The answer of the Board at *Madras* disapproves the violence of those measures, but it recommends the union of the two Brothers, and judicial proceedings against *Jaggernaut*. The Governor takes the opportunity of commending *Sitteram*, not only as a punctual *Duan*, but as one who "*governed with lenity and justice*:"—he grounds this character upon his own recent experience of it for three years, when he was Chief at *Vizagapatam*.

So much for the character of *Jaggernaut*, as given by the Subordinates in February, 1777. Will the House believe, and could they have guessed, that those very Subordinates give the character upon the

6th of November in the same year, which is a part of the Bill, and has been read in evidence? What shall be said of the accuser, who states that letter as imputing to *Sitteram*, calumnies prejudicial to the character of *Jaggernaut*, but gives not a hint that, if they were calumnies, the Subordinates had assisted in circulating them, and had given birth to many others of *their own*; gives not a hint of the letters in February, which lay many articles to his charge independent of *Sitteram's* account, and preferred by *the Chief* upon *his own intelligence*.

In this letter of November, 1777, they set up *Jaggernaut* as their favorite, and as a model of persecuted innocence;—they ascribe their character of him, in February, to *Sitteram* alone, an imputation which the letter itself proves to be false!—they inflame the discord between the two Brothers;—make it a virtue of *Jaggernaut*, that *Vizeram* is *partial* to him, though, in February, they had stated that partiality as one of his crimes;—they recommend *Jaggernaut* for the *Zemindary* of the *Ancapillee*, and exclude *Sitteram* from it, almost in the words which they used in February for their preference of *Sitteram*, and exclusion of *Jaggernaut*:—they adopt this preference reversed, as a compensation to *Jaggernaut*, and as a punishment of *Sitteram*, who has *cheated* them, and *imposed* upon them;—they dwell upon *Jaggernaut's* abilities, property, and good faith; but they don't omit “that he is willing to *increase their tribute* for “*Ancapillee*.”—“*The Song was partial*; but the *harmony*,” as they well knew, would “*take with ravishment*” the Directors at home.

They assure the Council of *Madras* that *Jaggernaut* has been injured by the aspersions of *Sitteram*; his vindictive and cruel enemy; but they recall no part of the justice which he had received, even at *their* hands, for his punctuality; and they neither correct nor disown the policy of engaging his attachment, by ensuring the succession to his own son; a policy which they had pressed, upon general principles, in their former advice to the Council at *Madras*.

They inclose a letter from “*Vizeram Rauze*,” as they would have the Council believe, but the work of *Jaggernaut*, or their own. It contains the most laboured invective against that *wickedest of men*, *Sitteram Rauze*, built upon assertions which are proved by the Records of *Madras* to be false; accusing him even as *Duan*, and representing the Revenue as improved, ever since *he* quitted the office;—a description, the reverse of truth in every part of it.

But is it not obvious to ask, why the *falsehood* of their first character is more credible than its *truth*?—If *Sitteram*, as the enemy of *Jaggernaut*, poisoned them with calumnies injurious to him, had *Sitteram* no Enemies?—was *Jaggernaut* his friend?—were no calum-

nies,

nies, affecting *Sitteram*, traced by Colonel Brathwaite (who acted fairly between the two Brothers) to *Jaggernaut* himself? Striking differences appear between the two reversed invectives: the harsh character of *Sitteram* is general; that of *Jaggernaut* had stated an ample detail of proofs:—An apology hinted for the opposition of *Jaggernaut's* last character to the first is false, upon a comparison of the letters themselves; and every imputation upon *Sitteram*, as the *Duan*, is refuted by facts upon Record. What a situation of characters at the mercy of such intrigue, if the Political estimation of these two important actors in the scene may, without a shadow of just or decent apology, be so reversed in less than a year!

I don't ask how these Politicians *felt*, because I acquit them of any *feelings* treacherous to their system; but I *do* ask how they *looked*, when they *discovered*, as the fact is, that, ever since the reconciliation of the two Brothers at *Madras*, the purest harmony of system has united them, and the attachment of their *subjects* (if I may so call them) to our Government has been uniform, under many severe trials?—that, ever since the *Duan*, whom *they* criminate, has been restored, a revenue has been obtained, which has outstripped the best models in the same country, and within the same period of time?

They add “ that *Sitteram's* character has been long infamous upon “ their own Records;” yet they *overlooked* this infamy when they wrote in his favor, and from those records, to this hour, not a single fact against him is produced.

The *Chief* does not sign *this* letter; he is gone to *Madras*; but his genius remains, and his confederates are true to him:—he does not sign *this* letter, but he had given his hand and seal to an agreement with *Jaggernaut*, which this letter has enclosed. A more disgraceful contract has never seen the light; I call upon the indignant Justice of this House to mark every feature of it. The first allegation of it (allegations, we know, may risk any charge) states “ that *Jaggernaut* “ is afraid of *Sitteram's* designs upon his life,” a cant and hackneyed imputation upon *Sitteram* by *them*; and at this period applied with as much truth to *Vizeram* as to *Jaggernaut*.—Not a single threat against either of them is proved; and the deportment of *Sitteram* to his Brother at every period of their Political differences refutes this calumny as between *them*:—the assertion of *Jaggernaut's* fear is made upon his personal credit alone; the personal credit of a man, whose falsehood these very Subordinates had proved, and stated upon Record as proved. The next recital of their agreement is, that all which they had said in February to *Jaggernaut's* prejudice was the calumny of *Sitteram*.—The two letters in February demonstrate that assertion to be false:—They don't even *state* proof or evidence of any kind, that what they said in those earlier accounts relative to *Jaggernaut* was false:—they add

add that, because they have themselves used him ill under the influence of *Sitteram*, he merits the *Ancapillee Zemindary* by way of recompence, and *Sitteram* deserves to lose it by way of punishment; omitting to remind the Council that *Jaggernaut* had proved himself a Lyar in his former claim to that *Zemindary* (by the account of these very Subordinates); and omitting to intimate (can the House believe such perfidy and chicane?) that for this very *Ancapillee*, *Jaggernaut*, who had slipped into the management of it, owed no less than £5000, almost a year's income, though he had not been a full year connected with it.—They promise to obtain the *Ancapillee* for him if they can, and, if they can't serve him to that extent, they will obtain a confirmation of certain Grants to him, recently made by *Vizeram*; Grants of territory, and alienations of the *Zemindary* land, prohibited by the established rule of the Company, to say nothing of their prejudice to the Revenue; as much as in *them* lies, they confirm these grants, though it was their obvious duty at one blow to vacate them, and make them subjects of complaint at *Madras* against *Vizeram* and his Minister, or at least against the latter, as the weakness of the former made him a dupe to influence, and exempted him from personal blame:—yet they dare even to recommend these illegal grants at *Madras*.—Had I been one of that Council, I should have thought myself criminal, if I had not moved and urged the suspension of every man who signed this agreement.—They close by a declaration, that, as far as *they* are concerned, they will support him upon all occasions consistent (a very handsome clause, but a little too long deferred?) “with the interest of the Company;” which interest every syllable of that agreement had violated and betrayed.—In return for this prodigality of Love, the House will ask what *Jaggernaut* was to do for the Company, or *his* friends the Subordinates:—his former sufferings had scarce entitled him to the whole of it; and, if not, how is he to pay for the rest? By undertaking to receive the benefit of their fond attentions to him.

It's a little singular that we have the first apology for the total change of their sentiments upon the character of *Jaggernaut* in the month of November, 1777; but the change commenced and operated in fact at an earlier period. We cannot mark the very moment in which it was formed; but this we know, that, in a little time after the Subordinates had complained of *Jaggernaut*, the *Rajah* himself imprisoned him for the embezzlement of a large arrear which he had received as *Duan* of the district; and seized a part of his effects by way of pledge for the debt.—That imprisonment was caught eagerly by the Committee of Circuit as an adequate pretence to make every *Zemindar* disband his troops, and *Vizeram* in particular disarm or surrender 13000 men, the complement of his troops over and above those which he employed in collecting his revenue. *Jaggernaut*, having at this time, by the magic of some planetary influence, never explained, acquired the favor of the Subordinates, reminds them, that, being the Company's manager of *Ancapillee* and the

Havilly, he is *their* *Servant*:—they improve upon the hint, and call him *Renter*:—they soon become his partizans:—a second *Punic* war breaks out at *Vizianagrum*, and hostilities are commenced by the Subordinates for the purpose of releasing this very *Jaggernaut*, imprisoned by his master for embezzlement, whom they had themselves a few months before imprisoned for treason, whom *Vizeram* had protected against them, and for whose punishment they had committed violence upon the *Rajah*, his nominal master, and real slave.—Both imprisonments were *legal*, and I see no reason to arraign the *justice* of them.—When the news of that change in the Subordinate Politics, and of the tumult which it occasioned, reached *Madras*, the Governor made a very apposite remark upon those Cameleon-Statesmen: “you thought it (said he) no offence to *Vizeram* when you imprisoned his *Duan* for an offence to the Company, without asking *his* leave, but now his imprisonment of that same *Duan* for an offence to him in the execution of his office becomes an offence to *you*, because he is *your* *Servant*, and has been imprisoned without your leave.”—*Mr. Mackay*, a Member of the Council, whom I can always name to his honor, justifies the latter imprisonment, and observes that *Vizeram* can at most be only made answerable for the rent which *Jaggernaut* was to collect:—even *that* seems a little stretch of power; but one step *further* is Tyranny.—Here, Sir, to their momentary honor, I quote the Directors again: I quote their letter to *Bengal* in 1777, and early in 1778; *oh, si sic omnia!* “They disapprove and abhor the interference of their Servants in the domestic and private concerns of the *Zemindars*.”—The Board of *Madras* accuse the Subordinates, and state, that by their violence and caprice they have lessened the confidence of the natives in our Government; yet the Bill, which is not very nice in its choice of calumnies, deigns to observe that *Vizeram*’s imprisonment so described “gave the Committee of Circuit *cause of alarm*,” what Committee of Circuit? that which the Chief and Council directed:—for *them* it was a *convenient* alarm, as it gave colour to the violent measures which they pursued. Ask their own Military instruments, *Brathwaite* and *Murphy*.—They were instruments ill chosen; for they were men of strict honor: they protested against the force which they were to employ, and the Subordinates quarrelled with both of them—overbore them.—War and force are decreed—*Vizeram* is conquered, and *Jaggernaut* released. Is *that* all? Is it the *Utopian* policy of *Bengal*, which released a banditti of thieves and murderers, in honor to the first glance of *improvement* by *English* Law? Is it *Quixote*’s release of Galley-slaves? It is that; but it is more and infinitely worse. The force was tyranny; the use of it is a cheat:—they compel *Vizeram* to restore the effects of his prisoner, and *remit the debt*.—He writes a letter upon the subject,—a letter of abject homage, and makes a merit of his implicit obedience to an act of power; but claims the right of justifying his charge against *Jaggernaut*.—He desires to attend at *Madras* in person, that he may authenticate and prove the misconduct of that pernicious minister; which (he says) “*would fill volumes*.”—

The

The two Brothers are then united, and urge with repeated solicitude the journey to *Madras*.—They write on the 1st, the 7th, and the 13th of August, entering in all those letters a solemn protest against the Subordinates—Here again *Vizeram*'s language has a force in it which an advocate never could reach, and which no minister at his elbow could have prompted—"I know these Gentlemen are averse to my going, but pray send an order not to stop me."—"It's a lucky night, and I am determined to go."—"I'll go untended."—"The Chief is disgusted, and puts us under a blame; we determine to go, and declare our truth."—"I hate my Country try till I go to *Madras*." At this period *Jaggernaut* calls himself devoted, and an outcast from *Vizianagram*.—In that character alone the Subordinates receive him with open arms, and make him promise never to accept an employment under *Vizeram* again. If they had bound him strictly to his word, that measure, though meant only to encourage a disappointed adventurer, would have been mercy to *Vizeram*; but he broke his word, and without offence to them: for they had a sudden reason to wish that he should break it, and resume his dominion over the *Rajah*'s mind.

The letters which the two Brothers had written were answered, and an order had come through the Subordinate Councils, but in a sealed letter to *Vizeram*, which they could not open, that *Vizeram* and *Sitteram* should proceed under an escort upon the journey to *Madras*.—This unforeseen blow to the Subordinate intrigues deranged all their plans, and it became an object of infinite consequence to baffle the Appellants in their hope of justice at *Fort St. George*.—*Jaggernaut* is again set upon *Vizeram*, and, though with extreme difficulty, after a conference of many hours, prevails upon him to write against his Brother, and request that he may be secured upon a charge of pilfering jewels.—Happy in the success of this intrigue, they resolve to imprison *Sitteram*.

Then, Sir, it is that *Vizeram*'s natural affection to his Brother is too strong for every shackle of intrigue.—A meeting takes place between *Vizeram* and Colonel *Brathwaite*, a man too amiable to be an indifferent party in the scene.—*Vizeram*, though at the mercy of *Jaggernaut*, enslaved by him, and alienated from his Brother, timid in his nature, and even his pride sunk by ill-treatment, is animated by his affection to his Brother, acts for himself, and is the dying *Otho* of that minute.—How beautiful is the eloquence of Nature! and how well can the feelings of the heart speak for themselves!—I declare that I have not a conception of a more pathetic and affecting language than *Vizeram*, this biter of his Brother, addressed in his favor to Colonel *Brathwaite*, and through him to the Council, those deaf adders to such music.

"He has but one favor to ask, and he will ask it as they shall direct.—It is, that they will not bring eternal disgrace upon him, by making

"making his Brother prisoner—To confine him here, in *his* presence, and upon *his* account—he cannot *live* to see it—his Gods will not suffer it."

He concludes (*with tears in his eyes*) by a solemn declaration, "that he and all his people are determined to die if this harsh measure must have its way—they will not (*he says*) die fighting, but quietly by their own weapons."

Had *Vizeram* no affection for his Brother? Is it possible for these "*charities of human life*," as *Milton* calls them, to carry their endearments further? and will the House believe that *he* is the *same Vizeram* who, in the same year, speaks of that Brother in terms of the bitterest execration, declaring that even an act of *justice* to *him*, in making him *Duan* again, is what the Council must forbear, if they value *his life*. How are these contradictions to be reconciled?—How? by the simplest process in the world.—When the Puppet is a Man, his principle of attachment and affection to his Brother is uniform; when he is a Puppet again, the Master of the wires (call him *Subordinate* or favorite Servant, or both) directs every line of his pen.

The charge concerning the jewels was proved, by *Colonel Brathwaite*, a malevolent falsehood; and he states it, in a letter to the Council, as an artifice of *Jaggernaut*. After the conference with *Brathwaite*, and *Vizeram* having engaged that *Sitteram* should be forthcoming, the two Brothers meet, and are soon in harmony again. Then it is that other Politics are employed, for the purpose of detaining them both, in disobedience to the Company's orders.—The Chief owns that he detained them, and makes a merit of the delay, *as an obstruction to Sitteram's rebellious designs*, at the very time that *Sitteram* and his Brother press the journey to *Madras*, which they afterwards, in part, accomplish together.—*Colonel Brathwaite* speaks often of the obstructions to that journey, which he imputes to the Subordinates; with whom he remonstrated, and prevailed upon them, after many difficulties, to consent.—Having obtained that consent, he tells *Vizeram* that he is free to set out; and from this moment (*he says*, in a letter to the Council) "*all that gloom which had long been visible in the Rajah's countenance wore off*."—By his evidence too it appears, that *Vizeram* never prepared any force against the Company, and submitted before the wanton hostilities of the Subordinate reached him. I should have observed, that when the Board of *Madras* are apprised of those tumults by the Subordinates themselves, they declare in strong terms their indignation at such dishonorable intrigues and pernicious Politics.—It's not therefore an after-thought of this Defence; but *Sir Thomas Rumbold* found the sentiment upon the Records of *Madras*.

I leave,

I leave, at present, these Brothers in harmony, and preparing for their journey to *Madras*:—for I am now to dissect the character of *Sitteram Rauze*; and here I feel ashamed for the accuser, who, in this Bill, states the character of *Sitteram* as “*infamous upon Record*” for no conceivable reason, but that *his good friends*, the Subordinates, have, in one of their letters, used a similar phrase, but never have proved the fact—those insulted and hackneyed witnesses, whom the same accuser, though he finds them, in that character, so convenient for his purpose, instructs his own Counsel to represent “*as deserving no confidence*.”—But here he outstrips the model, and is more disingenuous, by adding an improvement of his own; for he says, in the Bill, that *Sitteram*’s character “appears to have been often marked with infamy upon the Records of *Madras*.”—Of this bold assertion *no proof is even attempted*; but I take it for granted we shall be told, that upon the party accused lies the *onus probandi*; that he will be so good as to demonstrate “that he is *not infamous* upon these Records.” Be it so: I agree that he shall kiss the rod. I have looked, Sir, into the Records, tumbled them over and over again, to find the repeated infamy of *Sitteram*, but can see no trace of a single charge against that execrated enemy to the Settlement.—Here then is averment against averment; but mine shall be established by negative proof at your bar. The accuser is modest enough to offer no evidence whatever in support of *his* proposition, though an affirmative: yet I see the name and the character of *Sitteram* familiar to those Records. I see his punctuality approved—Is *that*, an infamous character? I read of his attachment and affection to the Company, of his justice to the natives, of his abilities, perseverance, activity, and zeal in support of the Company’s welfare: From the year 1766 to 1777, I see him the Company’s favorite; and early in 1777 the favorite even of the Subordinates: In April of that year, I ~~read~~ ^{read} the Governor of *Madras* warm in his praise, upon the faith of his own personal observation for three years, when he was Chief of the Subordinate which includes *Vizianagrum*. He was *Duan* for ten years, and quitted in 1776, displaced, in effect, by the intrigue of *Jaggernaut*:—I defy the accuser to suggest a reason for setting him aside at that period, unless they will say, as *Vizeram*’s band (suborned and guided by *them*, or *their* confederate) has already said, “that he left a revenue impoverished,”—a falsehood which the accounts of the Company demonstrate.

I appeal to these accounts at any given moment of his administration (and the accuser shall make his own choice of it) as the vouchers of his punctuality, so essential a virtue in the character of any *Duan*, so powerful a recommendation to *his* appointment.—*These* are testimonies which can have no partial interest, and they communicate facts which no argument can weaken. I see him, in 1778, confronted by his Brother *Vizeram* at *Madras*, before the Council—That Brother is then averse to him, apparently; in other words, he then acts the part which his Minister (*Jaggernaut*), who has caught him at

Madras, instructs him to act—He stands forth an accuser of *Sitteram*; but accuses him of—*merit* and *virtue*, especially in his character of *Duan*: for he upbraids him with his resumption, or his advice to resume, certain prodigal and foolish grants.—The answer of *Sitteram*, to which no reply is made, reminds this ungrateful Brother, that for *him*, and for *his* benefit alone he resumed them, as lavish and improvident.—This charge, and so explained, is like the other calumny respecting his ambition, which, analysed even by the Subordinates, early in 1777, was found the virtue of civil and military exertions, pointing only at his Brother's interest, though he could have conquered for himself.

He could, at least, be a dangerous enemy to the Settlement; his abilities, and ascendant over the *Zemindars* of the North, are proved for us by the accuser himself. The continuance of the discord between him and the *Rajah* would have been ruin.—Our European enemy was at their elbow, and his manœuvres had begun to operate.

Was he a better *Duan* for the Company than his competitor *Jagernaut*? was he the best whom the Company could have pointed out? If he *was*, it was just and wise to appoint him, whether his Brother *Vizeram* approved him, or not.

I remind the accuser's Council of his own doctrine respecting the contract "*between the Master and Servant*"—as the measure of that Servant's guilt or innocence at this bar.—See how it operates. The Masters of *Sir Thomas Rumbold*, in 1779, write a letter to *Bengal*, in which they controul the *Nabob* of that Country,—a character of rank infinitely superior to that of any *Rajah*,—they controul him in this very appointment of *his own Duan*, and upon the same grounds which the Council of *Madras* adopted in their preference of *Sitteram*—They urge, that he must have a *Duan*, and a *Duan* imposed upon him, if his own is unequal to the confidence, which affects *them*, as well as *him*—They direct that a *Duan* chosen by *them* should execute the office, and their directions are obeyed.

The removal of a *Duan* is not like that of a common Servant—The Company have an interest in him—He is *their Duan* too. I have heard, Sir, in *some European countries*, that even *subjects* have an interest in the *Duans* of their Sovereign (a *Rajah* of somewhat higher station than *Vizeram* held)—That *his Duan* has been removed by what has been called "*a hint*" that he had lost the confidence of the Public; and removed for "*improvident and lavish concessions*," the very offence imputed by the Council of *Madras* to the *Duan* of a *Rajah*, their tributary and subject—Against the *undue influence* of this *Duan* they directed all their firmness.

The two Brothers were confronted openly at the Board—*Vizeram's* weakness was exposed—His injured Brother courted him to accuse; but

but he had nothing to urge against him, though *Jaggernaut* had given him a lesson, except the *virtue* which I have stated, and a general principle, that he may hate his Brother, if he chuses it.

The reconciliation between them having been urged in vain, it became still necessary to appoint *Sitteram* the *Duan*, as a guard over the revenue. Here it must not be forgot, that one of the Council at *Madras* who recommends the appointment of *Sitteram*, is also one of the very Subordinates who vilified him in 1777—Let *him* answer for the change of his opinion. Ask him as a Subordinate, and the cameleon would answer for him. Ask him as one of the Council, and he will answer, for himself, that his intrigues are at an end; that he looks only at great and liberal objects:—that he begun with truth, picked up and too readily believed calumnies by the way, but returns with pleasure to the cause of truth:—that facts which cannot mislead or be misled, the accounts of the Company,* [redacted] as the most eligible *Duan* for his Brother, *mark Sitter* and for them.

The *Chief* himself is become one of the Council at *Madras*:—his conduct is a little particular:—when the measure of endeavouring to reconcile the two Brothers, and of appointing *Sitteram* to be the *Duan*, is proposed, he says *yes* to it, “except as far as it may interfere with “my former opinions delivered when I was *Chief*,” but when *Sir Thomas Rumbold* states the two Brothers to have been reconciled, and *Jaggernaut Rauze* to have been sent away, under a guard, for his accounts, the *Chief* is perfectly satisfied, and puts his name to the assent of the Board.

As to the firmness of *Sir Thomas Rumbold* in the address to *Vizeram*, it is the firmness of the Board through him, as their *President*; and so the Record is expressed:—It points at the *Duan* alone, through the *Rajah*, and was an exertion made necessary by the undue influence of his Ministers over him.

But let us confront the competitors by more pointed evidence.—The Bill has told you, Sir, that *Sitteram*, as *Duan* of the *Havilly* farm, left a debt upon it amounting to 6000*l.* in the year 1776. It's true; but the Bill forgets that *Sitteram* had for many years been manager of it, and it states the account of no preceding year; it forgets too that *Vizeram* had made that arrear his own, a fact from which an obvious inference must arise, that *Sitteram* had paid the sum to him.

The allegation of this *Havilly* arrear, as imputing blame to *Sitteram* in his character of *Duan*, is perhaps one of the most ungenerous and cruel fallacies that ever was attempted:—to expose it without reserve, and counteract the purpose of it, is an essential part of the defence, upon the comparative estimate of these two characters.

It is admitted and agreed between us, that a balance left by a *Duan* to any considerable amount, is a fact which, till explained, imputes blame to the *Duan*. This principle having been stated as a test of the *Duan's* character, let us examine the application of it by the accuser.

He states the balance left by *Sitteram*, and for which I have already in part accounted; yet if it be an imputation upon *Sitteram* till explained, it applies only to one part of his Government, which, compared with all the rest of it, is a mere drop in the sea; for he was *Duan* of *Ancapillee*, and of his Brother's district, whose revenue was not less than 200,000*l.* a year. But the accuser, having stated this balance left by *Sitteram*, forgets that, for the same land, *Jaggernaut Rauze*, the *Duan* of it for less than a year, left 14,000*l.* his arrear,—Here too it must be remarked, that *Jaggernaut* was the *Company's Duan*, and *Vizeram* would not answer for him beyond 4,000*l.*

But that is not all: pursue the argument of balance:—the Bill has not stated one balance against *Jaggernaut Rauze*, yet the accuser who drew that Bill must have known that *Jaggernaut*, as *Duan* of the *Rajah* over the *Vizianagrum* district for less than a year, left a balance of 30,000*l.* besides arrears on the growing payment, amounting to the additional sum of 10,000*l.*:—that for the *Havilly* (as I have stated) he owed 14,000*l.* and was to pay 10,000*l.* of it himself; an enormous debt:—that *Vizeram*, while he was *Duan*, contracted heavy debts to individuals.—These are singular defects of memory in the accuser, who, out of all these complicated arrears, can discover nothing injurious to *Jaggernaut*, his favorite; but can state *Sitteram's* balance, for the *Havilly* alone, with distinct and pointed accuracy.

Jaggernaut had been *Duan* for less than a year, and that period was amply filled by neglect, profusion, embezzlement. Besides the balances of the *Havilly* and *Vizianagrum*, he owed 4,500*l.* out of 6000*l.* the annual tribute for *Ancapillee*—His own debts to individuals were 32,000*l.* Upon the whole, he partly threw upon *Vizeram*, and partly incurred upon his own account, 94,500*l.* arrear to the Company. Are these accumulated arrears no imputations upon *Jaggernaut* as *Duan*, though it's pressed against his competitor as an unpardonable sin that he left a balance of so very inferior a sum?

Besides *Vizeram's* grant to *Jaggernaut* himself, he had either given away, or lost, a revenue of no less than 14,000*l.* a year since he had preferred *Jaggernaut*, and parted with *Sitteram*, as *Duan*—The value of his grants to *Jaggernaut*, or his family, is not ascertained. Mark here the contrast between *Jaggernaut* and *Sitteram*. The latter declares, in his Brother's presence, "that, when he had resigned the office of *Duan*, he took with him nothing but his clothes"; an assertion to which *Vizeram* gives no reply. Mark too the end of

Jaggernaut—his accounts are to be inspected, the Board send him for them; they apprize the Subordinates of this measure in a letter which acquaints them with his intrigues at *Madras*; he runs away, and we hear of him no more. *Sitteram* and *Vizeram* have engaged for his debts to the Company, and have not received a single rupee. Insolvency and flight have terminated his career.

It will not escape from the memory of the House, that *Sitteram* had been appointed his Brother's *Duan* in 1760, by a solemn covenant;—and that *Vizeram*'s right in the succession was not clear of doubt.—That he was interested, for his own Son's benefit, in the welfare of the district; and the Company's protection of it has been urged by the Subordinates themselves in their advice and opinion to that effect, which they never have recalled; and this too is a circumstance which marks the wisdom of confirming that Son's adoption by an Act of the Board,—another of *Sir Thomas Rumbold's* many and complicated Sins!

What has been the effect of this appointment?—an ample revenue. 60,000*l.* is the annual tribute—180,000*l.* has been collected in less than a year and a half—peace and good order have been the uniform characters of the district, administered by this infamous *Duan*, this enemy to his Brother, and rebel to the English Government.

The reluctance of that Brother to his appointment, has been, with some ingenuity assumed, or misinterpreted—It was the reluctance of *Jaggernaut* alone, or of his partizans, the Subordinates; they make him affirm, late in the year 1777, that he is afraid *Sitteram* will murder him—Is he murdered? and was he afraid for his life in the August of that same year, which they passed in perfect sympathy and harmony together, except when *Jaggernaut* interrupted their affection, (for a little time) which the fear of *Sitteram's* imprisonment renewed—was he afraid for his life at the time that he resolved upon suicide as an expiation to his Gods for his Brother's imprisonment? Was he afraid of him as a murderer when they took their journey towards *Madras* together, as united as they had ever been at those periods of their friendship in which the Company had called them “*the Rajahs*,” or “*Brothers*.”—He is made by intrigues (which he participates only as the servile instrument of them) to say that his Brother has for many years imprisoned him.—Is he now imprisoned? We shall call a witness to your Bar, who will tell you, that he is treated by this “*Gaoler*” with a most respectful attachment—that his Nephew and adopted Son, the heir of his name and rank, is now become the Son of his affection, the favorite of his heart.

The few letters written by *Vizeram's* pen which are injurious to his Brother, and culled by the accuser for his purpose, cover a very short period of two or three months; a period marked in a variety of particulars, by the shameful intrigue of Subordinate Councils—those

Councils who gave the finishing stroke to their system, even after their Chief had left them, by the letter to *Madras*, accusing *Sitteram* (then at *Madras*, an appellant and witness against them,) of a *fort-night's arrear* as renter of land which he had scarce begun to occupy; when the annual *tribute* of the district, a sum in comparison to which his rent could not be named, was a year in debt.

“ But *Sir Thomas Rumbold* was the *Tyrant* who urged the reconciliation of the two Brothers, though one of them was averse to it.”— The policy of reconciling them is not arraigned, but the manner of it alone; and *Vizeram's* reluctance is made the sole test of the measure, as if it had been genuine, uniform, and just. I can see an *apparent* reluctance in that letter of his tutored pen, which devoted *Sitteram* as the bitterest enemy of his heart. I see it in the suborned malevolence of a will enslaved, though dressed up in the forms and trappings of Eastern pride, when the *Rajah* confronted his Brother, told his lesson of calumny against him by rote, and claimed the right of *disowning* the natural affection which he never did or *could* cease to feel.

But these are idle mummeries, and the insulted *Vizeram* is a *King of shreds and patches* in the scene. I look to situations which leave nature to act for herself. I look at the journey to *Madras*; the reconciliation which preceded it; the adoption of the nephew, that seal of union which never has been taken off, though it was disowned for a time by a joint finesse of the two Brothers, when they feared it might give an offence to their superiors. I see it when *Vizeram* is induced by the Subordinates to return from *Rajabmundry*, and yet gives two letters by stealth to *Sitteram* (which he delivered at *Madras*) recommending him to the Board, answering for him, and saying, “ Let him have the *Ancapillee*, if it were only for my satisfaction.” I have stated the four letters of August, as proving the harmony which then united them; but I have not stated a letter of October 30, in the same year, which, after his return, by the advice of the Subordinates, disowns the reconciliation, and adds (*could* such a letter have been his own?) that “ he has long dissembled with his Brother, in submitting to his will; but that henceforth he shall be his own master, and govern the district himself.” Has he kept his word, or attempted once, for half an hour, to put his hand upon the reins?

Yet when *Sir Thomas Rumbold* wrote, and required his attendance, the Chief, *Jaggernaut*, and *Sitteram*, were at *Madras*; *Vizeram* was then free, and his freedom operated as it ever has done; he assented cheerfully to the wishes of the Government, and the *Company's friend* stood confessed: but at *Madras*, *Jaggernaut* resumed his empire over him; all the difficulties of the reconciliation arose from him; *Vizeram* ascribed them to him; and the letters of the Board state that his intrigues formed the sole impediment.

The policy of reconciling them is upon record, accompanied with an excellent character of *Sitteram*. They had, in fact, been reconciled even at home, though, when *Jaggernaut's* ascendant prevailed again (for a little time), it was called by *Vizeram* a *feigned* reconciliation, which his heart could not approve.

If the appointment of *Sitteram* to be *Duan* would induce and urge the reconcilment, it would have been just and wise in that single view. *Sitteram* was uniform in protesting, not against his Brother, but the chain which fettered him; he was uniform in his affection to the *Rajah's* person; and threw every censure of his conduct upon his adviser *Jaggernaut*.

"But the reconciliation was accomplished by force."—This charge, as *Bayes* would say, does indeed "*elevate and surprise*" to a degree which makes it *unanswerable*. The indictment states, "That you, *Sir Thomas Rumbold*, with *force and arms*, did *reconcile* two Brothers, who had great influence upon the security and revenue of your Government; whom intrigue alone separated; and whose continued enmity would have lost you their territories, or endangered the tenure of them at least."

"You should have played into the hands of that Enemy, who wished for every local disaffection as a card in his favour."

"But you baffled these hopes, insured the allegiance of your tributaries by conciliating them together, and, by the force of their attachment, improved your claim upon the revenue. Yet how execrable was your tyranny (say the Directors in 1781) when, deaf to his remonstrances, you—appointed his Eldest Brother his *Duan*. He blesses you for it now; but, at that one moment of *Jaggernaut's* tyranny over him; it was your tyranny to interfere, and set him free."

If indeed the Council of *Madras* had then stript him of his *Fort*, instead of restoring it, if they had made war upon him, as the Subordinates made war upon him for his favor to *Jaggernaut*; or imprisoned his Brother, as they imprisoned him, I should have called them *Tyrants*:—but the *Duan* whom they preferred was to be, in effect, their own; and the surrender of that office then to *Vizeram's* election would, in other words, have been a surrender of the revenue, if not of the Government.

Yet the Directors are enraged; they are disgusted by this union, and say, "*We'll disunite again*"—But *Lord Macartney*, whom they have made the instrument of these principles, with a degree of honor and spirit very becoming to his character, expostulates against the measure, by marking the resources which have sprung from this family so united.

I have

I have already marked that strong affection to his Brother which in *Vizeram* was a distinguished feature of his true character; there is no proof that he was ever averse to him when he was *free*; and the impulse of nature animating this attachment, often broke the chain which his Tyrants had fastened upon him. As to *Sitteram's* affection for his Brother, I can discover not a moment of his life in which it even seems to have been impaired, because he felt and acted for himself.—At the Board of *Madras*, in 1778, his words are these, which the heart alone could have prompted—Again the House will say, or I am deceived, “these *Barbarians* are eloquent”—He addresses the Council thus, in his Brother's presence—

“For a considerable time I transacted the affairs of my Brother's Government; and so much were we all at that time upon a footing of equality and brotherly affection, that it never was a question with me, whether I acted upon *his* account or *my own*: I took all the care I possibly could in the management of his Country, and omitted no opportunity of improving its revenue, or of contributing to his happiness or welfare, according to the best of my abilities. I desire to be informed in what light I was to be considered, as the *Servant*, or *Brother* of the *Rajah*?”

Vizeram heard him, and made no reply.

No force reconciled them in fact.—Here again, I suppose the *onus probandi* will be reversed, and we must prove the negative to a deserted imputation. I have stated the firmness of the Board, through *Sir Thomas Rumbold* in his character of their President, as pointing expressly at the *Duan* of the *Rajah*, not the *Rajah* of the *Duan*.—“Is not *he* a man? (says one of the Counsel)—Has not he the dignity, and the feelings of a man?” If I could see him independent, uniform, and averse to his Brother at heart, I should say to the Counsel, *Yes*.—But if I see him (as I must) a tool of his Minister, and acting a part forced upon his flexible and timid spirit, I say, *No*; he is *not* a man for any purpose of the argument between us: and the human character is degraded by a comparison of it with *his* figure in the scene.

Sitteram was directed by the Council (through their President again) to conciliate his Brother, and behave to him with respectful attachment.

What *magic* reconciled them in fact?—It was *not force*; no evidence of it appears, and it was a month after the examination at the Board that, in fact, they shook hands together.—It was *art*, I suppose; for the Counsel observes, that *Vizeram* “*was got into the humour to seem his Brother's friend.*”

The manner of the reconciliation, though public at *Madras*, admits of no proof at this bar till the witnesses to it could arrive in town from so distant a scene—But *Sir Thomas Rumbold* will state the circumstances to the House, upon the testimony of his own personal honor, after the evidence at the bar shall have been closed; for at that long-deferred, but sure period of his accuser's power over him, he will appear as worthy of credit as any of his fellow-sufferers, who have been defamed by calumnies, rescued by the arm of truth, and vindicated by the honor of the Public. One thing relative to it is in proof; that it was accomplished after *Jaggernaut* had been sent away. Was it sincere?—If it *was*, force had no ascendant over it—If it *was not*, prove the mask. Words and facts attest the sincerity of it—*Vizeram* writes to the Chief and Council, acquainting them that all differences between his Brother and him were at an end.—The Counsel argues, from this change of character, that it was not his own, but suborned. What is that argument, but presumption of guilt?—Is it not the more ungenerous too, when his recent accusation of his Brother, a change infinitely more violent, is *overlooked* by the accuser, and proved by the culprit? If it was a cordial and genuine reconciliation, it proves the former chain, and vindicates the policy of the rescue. Compare this letter to the subsequent facts.—What complaint has been made by *Vizeram* against his Brother, from the date of that letter to this hour? I shall prove at your bar, by parol evidence, the uniform harmony of these Brothers at a later and recent period.

Let any unprejudiced man of honor now put his hand upon his heart, and say that, all the circumstances considered, which I have stated, and shall prove, the appointment of the *Duan*, followed by the reconciliation of the two Brothers at *Madras*, was either cruel, or impolitic.—Was it not (I may ask), in a peculiar degree, a wise and equitable measure of justice between all the parties concerned? If I am deceived, all my notions of right and wrong will be afloat for ever.

THE annexation of the *Ancapillee* and *Sitteverum Zemindaries* to *Vizianagram* is charged as another article of improvident concession to *Sitteram*, though it affects him only as a Parent.

Vizeram lent, in the nature of a mortgage, to the Settlement, upon the faith of that *Zemindary*, as a real pledge for it, 60,000*l.* When the *Zemindar* died, and left no heirs, though 6,500*l.* a year was the most which could be offered for it by way of tribute, the Subordinates urged the Council of *Madras* to dispose of it in that shape.—October, 1778, the amount of tribute offered by *Vizeram* was 9000*l.* a year, and a pension of 1000*l.* a year made secure to the family of the *Zemindar* deceased. All plans of taking the country, as a forfeiture, into the hands of the Settlement were impracticable.

But it was a debt of justice to *Vizeram* that we should pay *him* what I call the *mortgage debt*, or give him the land—Giving him the land, we gave him rather a *stone* than *bread*; but his passion for land seduced him.—The *Cowle* was only to *him*; and the policy of it was obvious.—It relieved us from the embarrassment of his demand as our mortgagee, and, at the same time, put into the coffers of *Madras* a solid increase of revenue.

THE adoption of *Guzzipetty*, *Vizeram's* Nephew, was the recent compact of the two Brothers, that seal of the reconciliation between them, which no Subordinate intrigues could "*raise from the bond*."—Confirming it, we only gave a sanction to an arrangement which composed a feud injurious to ourselves. The Subordinates, before the parties had made the agreement, urged the Council of *Madras* to make it for them. It secured, at once, the affection of the whole family to the Council, and through them to the Company's Government.

AS to the restitution of the Fort, I have said that not a hint of the measure appears upon the records before the dismissal of *Red-head* from the service of *Sir Thomas Rumbold*.—It was, at every period of the Subordinate caprice, recommended. The Fort was an ancient family-residence; no obstruction to the Company's demand upon it was ever made—The gates were flung open to the wanton force which came in battle-array against them. No ingenuity of a Tyrant could have suggested an act of controul more humiliating to a *Hindoo*. We find, by a letter from the Subordinates themselves, dated the 24th of December, 1777, that *Vizeram* had fled from all his domestic enjoyments to a solitary hill set apart for his devotion—that upon that hill he had supplicated his Gods, and had sworn that he would not leave it (what feeling heart can rally such prejudices!) till the Company should be softened. At the conference with *Colonel Brathwaite*, he says, what no words but his own can say half so well—
 " My Fort is small; my house, my family, my women are in it.—
 " It is *not* an offensive Fort, but a common Eastern defence round
 " my palace." In a letter, he says, " that his Fort is very dear to
 " him, as the ancient residence of his family; that, if dispossessed
 " of it, he should be very unhappy." " Two Gentlemen of the
 " Board (these are his words!) can give a more affecting account of
 " my distressed condition, obliged thus to forsake my ancient habi-
 " tation, than I can indite."

Remember here what the Directors of the Company have said "*ex adytis*" to the Council of *Bengal*, " We abhor the disturbance
 " of the *Zemindars* in their possessions."

Let the Counsel for the accuser protect him here—" Is not he
 " a man!—Has not he the character and feelings of a man?" He
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has when his chains are off, and his faculties, or even weaknesses, are his own.

It was an act of justice to reinstate him in the Fort, and an act of policy too—Indeed policy and justice are seldom disunited. A letter of the Subordinates, upon the 6th of November, confirms the innocent condition of the Fort—"Should the *Rajah* not be indulged, "his aversion to the Government will operate when it can be encouraged by European powers."

At this time the Company were at war, and *Pondicherry* was besieged.—We insured the Fort, and made it, in all military or political views, our own.

Say the Counsel, "*Vizoram* was got into the humour to ask for the "restitution of the Fort."—Who misinstructed that able Counsel?—*Vizoram* always had this measure at heart.

I take my leave, at last, of these *concessions*—can they be so called? Were they not just and wise?—If they were, the internal merit of them is a bar to the suspicion of a dishonorable motive ~~which~~. Who shall argue against the wisdom or justice of them?—Let me hear him, and meet his argument. They were not only just and wise, but salutary and beneficial in their consequences. Ask *Lord Macartney* again and again what effect they have produced upon the attachment of these tributaries, and, through that medium, upon the revenue of *Madras*.—I shall summon him to the bar, upon the records of the Company at home, and challenge the accuser to refuse him as witness, or insinuate one suspicion which may dishonour him.

Suppression of Mr. Sadlier's letter to Sir Thomas Rumbold, accusing the Subordinates of corrupt practices.

SIR, I come now to what the Counsel for the accuser called the *English part* of the Bill.—It imputes to *Sir Thomas Rumbold*, that he concealed from the Board at *Madras*, and from the Directors at home, *Mr. Sadlier's* information to him, accusing four Subordinate Chiefs, by name, of corrupt offences committed by them in their Political character.

I am here, Sir, to vindicate the party accused, against his own bureau, first opened by his correspondent *Mr. Sadlier*, and then by his accuser. Known to have the letter which he concealed in his own private custody, he is required by the accuser to lay it upon your table, for the purpose of criminating himself; one of those cruel first experiments in evidence which that accuser's keen ingenuity, superior to the dull restraints of legal mercy, has pointed out. I call upon the Counsel for the Bill to point out any one instance of a penal suit, in which a man has been forced by his prosecutor to adduce evidence against himself, out of his own pocket.

Put the case of *Treasonable practices*—What culprit has been ever directed, in the worst of times, and by the most infamous Judges who have disgrace their sacred office, to surrender out of his own private and secret hand the guilty paper which is to be adduced as an evidence of those practices?

the topic of I shall here pay no attention to, "*covenants violated, and orders disobeyed.*"—The Counsel who closed the evidence told us, that *covenants and orders*, in a case like this, were *pitiful* supports of a higher obligation, resulting from the tacit and superior covenant of Political duties—and so far he said well: but it will be difficult for him to make the sentiment reach the fact.

At present I shall only say, that, in those *covenants and orders*, I read nothing but civil contracts, with a penalty annexed; for it will scarce be denied, that a case *may* have happened, in which to have broken the covenant, or disobeyed the order, would have been highly meritorious.

What is the offence? Let us mark it with accuracy, not pedantic and minute, but liberal—*Sir Thomas Rumbold has not commenced informer, upon the single footing of private intelligence unauthenticated.* His offence, if any, was that of *omission*.—He took no pains to conceal evidence; but he did not think it honorable, or wise, to act upon his private information alone:—he barred no disclosure of it by his informer:—he was not active in the concealment; but he was not officious in apprising the Directors that he had received a letter which had communicated the intelligence to him under the seal of confidence.

This being a correct and just epitome of the charge, my first remark upon it is, that it imputes an offence disowned by the Law of England.—And here, Sir, I can't forget a beautiful passage in *Lord Strafford's* eloquent and able defence—"Must we be tried by Laws before they are made? Far better were it, that we should be tried by no laws at all, and be governed by those characters of discretion and virtue which Nature hath planted in us." An offender against hidden laws, at the mercy of a legislative expedient, is an abject who creeps in the dark, and shakes with fear at the rustling of every leaf—*Attainders*, or pains and penalties, are "serpents by his way, and adders in his path."

A familiar case respecting the office of *Privy-Counsellor* has been stated by the Counsel for the Bill, with much art and address, but the analogy attempted is more ingenious than solid, or just.—In the first place, it must be understood with a reference to *High-treason committed, or proceeding, or preparing to act, with an immediate risk of the public safety.*—Next, the peculiar nature of the offence concealed, which affects the very existence of the Government, must not be overlooked.—Nor, lastly, can I forbear to remind the House

of a Law upon the subject, which the Counsel ~~made~~; a Law which makes the concealment, or misprision of High-treason, an offence in itself, and punishable by severe penalties.

But suppose unauthenticated notice of treason *past*, and imparted under the seal of private confidence:—the offence committed, and the guilt ascertained; but the effect innocent, and the Government secure:—the offender guarded and chained (as the Subordinates were by *Sir Thomas Rumbold's* measure of reform); but the secret kept.—Shall a concealment so put, be an offence at this bar?

Look back, Sir, to the *Revolution*.—Look to the *Rebellions* of the year 1715, and 1745. Was private confidence betrayed? was it a Political virtue to betray Fathers, Brothers, and Friends? or, if betrayed, was that infamous barter of private honor encouraged by the Government?—At the time of the *Revolution*, who doubted the intrigues between the Court of *St. Germain* and many of its adherents at the English Court? yet the new Sovereign, unsettled as he felt his throne, gave no countenance to the officious discoveries of criminal attachment and affection to the Tyrant who had abdicated, nor made any other use of such information, when forced upon him, than to watch over the conduct of the parties accused.

In the year 1745, *Sir Robert Walpole*, First Minister, and *Privy-Counsellor*, with a more special trust annexed, stated over and over again, in this very House, that he had the lives of many then Members of Parliament, in his pocket; but he thought it an act of Political wisdom to conceal from the legislative or executive power, such pocket evidence—He owned, in his place, that he committed that *Misprision of High-Treason*, if it may be so called; and yet I never heard of a censure upon his conduct for that *legal offence*, but *political virtue*: and his forbearance was accounted no less honorable to him in his character of Statesman, than it was amiable in him as a Man.

Will any man believe that, in this fatal American war, letters have not pestered the Minister, containing unauthenticated reports of this or that correspondence with Rebels? will any man believe that, unauthenticated as these reports were, some of them did not induce belief, or strong suspicion of the fact—But the malevolence of the informer was baffled by the wisdom or lenity of the Government.

The distinction, however, is broad (if policy be laid aside) between that plea of confidence which can extenuate no legal crime, and the same plea which can extenuate or justify the guilt before us; a guilt which is new, and made by the Legislature for the purpose of criminalizing and punishing a party accused, whom the Law of England could not have touched for it.

Sir, that Law which has been sometimes held up as the model of your proceedings in a judicial character, abhors the tyranny of discovering crimes by the purchase of treachery to the good faith of private confidence.—It has no offences of concealment, except that of treason or felony.—The Parliament of England will never, I hope, leap over the modesty of this line. It surely is impolitic, as well as cruel, to make that an offence in one separated culprit, though practised by thousands under the shelter of an existing Law, which flattered them with hopes of indemnity against punishment, for an act, restrained by no *legal* prohibition, but enjoined by the sacred, though unwritten laws of private honor.

But it was your "*duty implied*" (says the Bill) that you should inform against the parties accused by this letter of confidence. *Duty implied!*—are those words applicable to a penal suit, any more than "*spirit of orders*"—"an *exact* performance of an agreement in substance"—and many other expressions of the same indefinite nature, found in this Bill? The lines of *duty*, and the manner of stating them, should be marked and broad, if men are accused of dispensing with them. *Implied* is *constructive*—You *imply* one thing, and I another—you are more *correct*, but I am not *criminal*. *Duty implied!*—Is it less the *duty implied* of every man who hears me to inform against every offence, moral or political? But is it *criminal* at this bar to decline the duty, where the municipal code has been silent upon it?

If I knew a fact, even authenticated, but knew it in confidence; a fact which the Law does not *oblige* me to disclose, but I betray that confidence of my own accord, every Member of this House, and every man of honor, would think himself polluted by sitting at the same table with me; I should be excommunicated by the public hatred and scorn. Nor do I mean to declaim when I solemnly aver, that if this *duty implied* could ever seduce me into such perfidy, I should wish to die, if it were only to escape the curse of self-reproach.

will Once decide that a concealment of the imputation which *Mr. Sadlier* had communicated, was an offence to the public, and you enact that every Governor of a distant province, be henceforth a detested inquisitor of state, an informer, the tool of cabal, and of private resentment—" *Rapientur homines in hac judicia, non solum invidia, sed etiam sermone malevolorum.*" Not only peculation, says the Counsel, but *any thing like it*, must be discovered; and the *letter* of the covenants obliges the Governor of *Madras* to divulge whatever *he bears*.

If I were to argue upon these covenants (and I *may* argue upon them hereafter, as the Bill reserves every civil right), I should insist that *Sir Thomas Rumbold* had not broken them;—even on that argument, a doubt of construction would save him from penal consequences,

quences of a pecuniary nature. These covenants would never be construed as binding him at all hazards to betray the good faith of private confidence. What, if he *knew* the charge to be *false*? the *letter* of the covenants would still compel the discovery; but the *sense* and *spirit* of them would be injured by that *strict* obedience.

But they point at *future* offences, or they prove too much.—How far back must the enquiries be pursued? The *words* cover *disobedience of orders*. If no limit can be set upon the date of that misconduct, Sir Thomas Rumbold would have been occupied in the complicated intrigues of Lord Pigot, and all his predecessors.—The words themselves point at a *future* period; for they expressly confine the discovery to offences which the Servants of the Company *shall* commit.

The Bill has one material fallacy, or inaccuracy at least.—Who can read this part of it, and forbear to infer that Sadlier stated the paper as a copy from an original, attested by a *Dubash*:—but the fact is, that it was written by his own hand, and he gives no hint of the quarter from which it came. Indeed the Counsel for the Bill improves upon the inaccuracy, and states the paper to have been *signed by a native, who had paid the sum*.

I have asked the House, without fear, if *he* is criminal here who refuses to betray a secret confidence, which the Law does not oblige him to betray? Instances occur to me which have strict analogy to the case before us.—Many years and *centuries* ago bribery was practised at elections—nor has this *Arcadian* age been quite pure from that slip in Political morality?—How many of those who hear me *know*, under the seal of confidence, that something not *very unlike it* is imputable to their Brother, Friend, or Neighbour? but are they criminal at this bar for chusing to keep the secret?—If they *are*, I am also that criminal; will no Member of this House do me the honor to shake hands with me, because I am guilty of such a concealment?—If you, Sir, knew, from the whisper of your friend, that a member of this House had given £.2000 for a seat, would you commence informer against that guilt?

Another case occurs, though speculative I agree.—There is not one member of this House, at the hour in which I speak, who is not qualified by Law to sit; but I may, without indecorum, suspect, that in former Parliaments two or three may have been seated, who have not been so qualified—yet the offence of imposing a sham freehold upon the House, and supporting it by a false oath, is no despicable guilt; the offence too continues, for the usurper, by dealing away his vote in Parliament as if it was legal, acts a perpetual falsehood, perjury, and cheat. But who has informed against these men—by disclosing private confidence?

Nor is *every* notice of guilt, though *official*, to be circulated.—One of the Counsel, with an air of triumph, compared the “*abandoned profligacy*.”

"*fligacy*," as he called it, of the Mayor's-Court at *Madras*, to that inflexible honor which prevails in *our* administration of Justice.—What, if I prove that a Chancellor, and a Chief Justice of the King's-Bench, have slept over offences which have reached even their judicial knowledge!—What, if these too were offences of corruption!—There are those who hear me, and well know to what I allude, when I remind them of a Nobleman, high in office, and Privy-Counsellor, who had sold a post in his department, or negociated the sale of it.—When the contract appeared before that great Judge who presides in our highest Court of Equity, I need not say that he spurned it, as the virtuous dignity of his nature is a theme of general praise—But has that *Judge*, *Privy-Counsellor*, and *Keeper of the King's Conscience*, felt it necessary to commence an informer of state against this Nobleman's guilt?—Has he recommended a *Bill of Pains and Penalties* against his fortune, for the purpose of atonement and example.

measure
May I remind one of the Counsel for the Bill of a curious and whimsical fact in *his* knowledge, if he has not even been concerned as an advocate in it—A *respectable* body of men, who are called *Smugglers*, had obtained the sign manual of the King to a charter of exemption from every past offence, upon the terms of obtaining, for the use of Government, a number of men stipulated—I need not say that his Majesty was innocent and ignorant of this very singular compact, or add, that a corrupt intercourse with some of his inferior Servants had accomplished the ~~fact~~—It was proved as a fact before the *Chief Justice of the King's-Bench*; but I have not learnt that his Majesty has been apprised of it by this other *great Judge* and *Privy-Counsellor*, or that proceedings are in agitation for the purpose of tracing the guilt through all the various branches of it, up to the fountain-head.—The Commons, at least, have not been honoured by the communication of these enormities to *them*, for the purpose of arming their inquisitorial power against the supposed offenders.

But the information of *Sadlier's* letter only conveyed proof in specie of an inveterate custom. Is my honorable client the only person who has *heard*, in the East, of presents by the natives to the Servants of the Company?—What is the *Nazir*, I mean the *European* demand, of that name, stated by a witness to the Secret Committee, as notorious, and, in *his* opinion, perfectly innocent?

Sir, it is dangerous, very dangerous, to heighten civil penalties, and make them penalties of state, at the mercy of political discretion.—This experiment is the first of the kind upon record. Servants of the Company will, in future, disobey a *literal* command, or break the *words* of a covenant at a peril indefinite and cruel: let them see their punishment before them, and suffer it. Private contracts may punish by civil penalties, where public honor and policy would commend the measures which incurred that forfeiture; but shall the Public, by a new Law, punish what, as the Law now stands, a civil penalty alone can reach?

The Counsel who spoke last made use of a very singular argument, which imported (if I understood him correctly) that *Sadlier* gave peculiar sanction to his account of these corrupt practices, by inserting the names of the corrupt parties, and the sums corruptly received, "even to fractions."

Need I ask if that argument is fair and solid? If *Mr. Sadlier* had said, "former Chiefs have received corrupt sums of money to a large amount," would he have deserved less credit than by saying, "this or that Chief (by name) has received *Fifty thousand pounds, Three Shillings, and Fourpence three farthings?*"—The question occurs with equal force in either case alike. Is the fact asserted, false or true; and, if true, what are your proofs of it?

Sadlier is but informed by a *Dubash*, that such and such corrupt sums have been received—He communicates the particulars to *Sir Thomas Rumbold*, but not the source of his knowledge, or suspicion.

Are all reports to be disclosed, and at all times? Is the informer's character to have no weight? Are his political enmities no features of his personal credit? Are no circumstances respecting him, which accompany and mark his conduct in the report itself, natural objects of suspicion?

As to this informer, let us guide our judgement of his report by his conduct in making it, under all the circumstances. I have no rule of three to calculate improvements upon such perfidy; yet the Bill assumes that his character alone may give sanction to his word.—Henceforth he is to be considered as the Guardian-angel of the *Zemindars*—But view him upon the records of *Madras* in former Governments. Not long before *Sir Thomas Rumbold* had reached *Madras*, this high-spirited and virtuous man had been suspended from the service—The Records of the Company had given the reason of the measure thus:—"In his management of the Company's affairs at *Insgeram*, he has acted prejudicially to them, cruelly and oppressively to the natives," &c.

That suspension has never been disapproved at home—He had been since restored, under very humiliating disabilities; but *Sir Thomas Rumbold* having entertained a good opinion of his activity in the service, appointed him Chief of *Masulipatam*, and employed him in that station as an instrument of his policy, in the check which he aimed at the Subordinate intrigues—He perhaps thought him dangerous out of employment; and possibly hoped that his abilities, animated by personal gratitude, might render him useful in that station.

If it was an offence in *Sir Thomas Rumbold* that he did not consider himself as an executioner of those who acted in detail upon a system

which *his* Politics at *Madras* were to reform, and have in fact reformed, he pleads guilty of that offence.

While this reform proceeded and persevered at *Madras*, a letter came from *Sadlier*, in which he stated the *customary payments* received before *his* time upon the renewal of tribute. In that letter he gives what I *must* call mean and wicked advice:—"Leave the Subordinates to themselves: let them work out the mischief, and be responsible for it, else they will make you answer for them; and this very measure of calling the *Zemindars* to *Madras* will give them a handle for such a turn in their favor."—The *Zemindars*, in that letter, distrust the Subordinates; but he states no such fact in his public dispatches to the Board of *Madras*.—He thanks his friend *Sir Thomas Rumbold* for his honorable protection of him "against volumes of the basest calumny"—he promises honor to *him* in return. He states the fact for a purpose accurately marked by himself—"It's to shew you upon what unsure ground you tread.—It may be destroyed"—"It's meant in confidence;" in other words, not meant for a public charge, nor even for a public disclosure of the fact.—No evidence whatever is pointed out; but the assertion stands upon the writer's own personal credit, or upon the authenticity of his materials, in which he may have been deceived.—Will any man living tell me, that *Sadlier*, in this letter, stands forth a public informer and accuser? or that *Sir Thomas Rumbold* could, as a man of honour, show such a letter?

Mark the contrast between these correspondents.—Two years and a half since the letter was written, the writer of it, after a quarrel with *Sir Thomas Rumbold*, opens, in effect, his bureau by stealth, and, behind his back, accuses him of *acting with honour by the accuser himself*.

One of the Counsel argues "that he did not mean to put such a confidence in his correspondent's honor, because he told the Com-pany of this letter, himself."—My first answer to that remark is, that even if *Sadlier* had made an early tender of the evidence to the Council, after he had written the letter, it would be a short and lame proof (against the obvious import of that letter itself) that he did not mean to put such a confidence, at the time, in the person to whom he wrote.—But has that Counsel so short a memory as to forget that *Sadlier* was two years resident at *Madras* after he had written the letter, and was mute upon the subject,—though he knew that *Sir Thomas Rumbold* had kept the secret, and though he was not upon terms of harmony with him, but the reverse?—Has he also forgot that *Sadlier* himself made an offer to sell this integrity and public spirit for which he now takes credit?—He was then eager to resume that seat at the Board which he had forfeited; and he told their President, that, if he could but sit, he would bury this letter in oblivion.

Compare the two concealments, from the date of the letter to the moment in which the writer of it began to inform against the parties

criminated. *Sadlier's* concealment of his own evidence was an act of indelicacy to the accused.—But *Sir Thomas Rumbold's* concealment of a letter which he had read in confidence, was an act of indispensable delicacy to the writer. *Sadlier* knew the evidence, if it existed, and could bring it forward; *he* was fettered in that respect by no confidence whatever.—*Sir Thomas Rumbold* must have leapt in the dark, as the evidence was not before him; and his official character was in chains to his personal honor. Why did not *Sadlier*, if he had intended that *Sir Thomas Rumbold* should inform and accuse, remind him of that intention at *Madras*? why not remonstrate with him for his neglect of the duty, and force him to act in it, or complain to the Board? I am no advocate for *Whitebill*, or the other Subordinate Chiefs; but I will say this for *them*, that *Sadlier* acted ungenerously by them, to say no worse of it; he accused them in a letter of confidence, instead of giving notice to the Company, to the Council, or to *them*, that he had received and communicated this information.—He permitted *Sir Thomas Rumbold*, and even *Whitebill*, to preside at the Board long after he had quarreled with both: he preserved an obstinate silence till *Sir Thomas Rumbold* was gone, and *Whitebill*, who had succeeded, was turned out of his office by the Council of *Bengal*.

Yet, in 1781, he would have the Board, and the Public, understand that he had made an open resistance to those peculators, and had apprised *Sir Thomas Rumbold* of the evidence in order to its publication.—He pretends to aim at *Whitebill*; but he takes care to mark *Sir Thomas Rumbold's* actual receipt of the letter, in order to fix it upon *him* as a letter which he concealed.

The accuser here has picked up another charge by the way, as an auxiliary topic of concealment.—“*Sir Thomas Rumbold* received, in the same cover, two letters; and one of them is the letter which imputes corrupt practices to the Subordinates: in his answer he takes notice only of the other letter, and meant therefore to conceal his receipt of *this* letter.” He meant like an idiot, if he so meant; and the Counsel have done him the honor to give him credit for a very good understanding.

Sadlier now calls it authenticated information; but why did not *he* pursue it, if he knew the authenticity of it? He now glories in the office of public informer, and throws down his glove against *Whitebill*, offering to accuse him in form, and prove the charge.—Against the other object of his resentment and hatred, *Sir Thomas Rumbold*, he offers no accusation.

How partial are the dispensations of justice by the Directors of this great Company!—If *Sir Thomas Rumbold* was criminal in *his* concealment of *Sadlier's* confidential and private information, what shadow of excuse can be found for *Sadlier* himself; whom no confidence embarrassed, who knew the evidence, who violated the same covenants

nants by concealing it; whom private resentment and personal ambition induced, after a silence of two years and a half, to commence informer against the guilt, when it became obsolete in his custody of it? Yet *he* is, at this moment, employed by the Directors in a very important confidence—a member of their Council at *Madras*, and very near the Chair.

Could *Sir Thomas Rumbold* have it in view to shelter and screen the speculation or intrigue of the Subordinates? Look at his reform, and the reasons which he *openly* assigned for it; do they not mark a decided plan to correct system *by* system, and work a radical cure of a pernicious but inveterate habit?

But I say that he was guilty of no concealment, in the view of these covenants, or the orders which they were to support; no concealment which could have the effect of suppressing useful information. He knew in general (and his employers knew it) that such gifts were customary at the Subordinate settlements.—He knew the mischievous tendency of that *custom*—*Sadlier* (if he had put implicit faith in *his* averment, unsupported by evidence) had only confirmed that general knowledge by a *personal* charge upon individuals *nominatim*. *Sir Thomas Rumbold* has informed against the *crime*, though he has not informed against the *parties criminated*—He says to the Company, after *Sadlier's* information had been received, “The mutual interest which has long subsisted between this Presidency and the Subordinate Councils, has been the source of great oppression, &c.” In that complaint he alarms the jealousy of his employers against the Subordinate Councils, and courts a guard over himself as President of *Madras*.

The Board of *Madras* knew the mischief in general, though not apprised of *names* or *sums*.—*They* too state, in a public letter, that “Subordinates are averse to the measure of calling the *Zemindars* to *Madras*, because it affected *their* consequence, and their *emoluments*.”

To this information, pointing evidently at corrupt practices, no answer is received:—Why don't the Directors command the discovery of *names*, and other particulars? why do *they* institute no *personal* enquiries, for the purpose of example and punishment, if *that* was their object?

Yet so eternally shifting is the Bill, that Subordinates, with all this odium of corrupt intrigue upon their heads, may remonstrate, forsooth, against the very measure which pointed and struck at *their* power thus abused; and the Council should have paid attention to these interested witnesses. The Bill reasons thus:—“You, *Sir Thomas Rumbold*, as President of the Board at *Madras*, were criminal for not accusing Subordinates, at the expence of your private honor, upon suspicion alone, arising from the unauthenticated whisper

“ of

“ of your friend ;—you were also criminal for *distrusting Subordinates*,
 “ whose peculate you disarmed without prejudice to the delicacies of
 “ personal confidence.—They are *good and honorable men*, so as to be
 “ witnesses against you in two thirds of the Bill ; but *wicked*, so as
 “ to make it *your* offence that you did not select three or four of them
 “ for punishment, upon the faith of a secret informer’s word, whose
 “ confidence you must have betrayed for the purpose.”

Mr. Sadlier, upon whose personal credit so much is to depend, gave to the Board, in the form of an affidavit, what he calls an *exact copy* of the letter to Sir Thomas Rumbold ; but the *copy* omits (*by accident*, I suppose) two very material parts of the *genuine* letter—One, is the passage in which he complains of the injury done by the corrupt practices of *Masulipatam* to those of *Madras*—This part of the letter could only have been meant by the writer, and understood by the reader, as a lure to him, for some arrangement or other by which a division of profit should be made between them—This part of the letter then, at least, *was* confidential in the purpose of the writer, but it was an insult upon Sir Thomas Rumbold ; who treated his correspondent afterwards with contempt, and provoked his malevolence by an undisguised opposition to his factious intrigues. A very singular character, is that of my persecuted client, if credit is given to his accuser—He is a *very sensible man*, so as to have deep and guilty designs, which elude evidence, and are superior to every instrument of torture : but he is an idiot and a child when he irritates *Redbeard*, one of his *accomplices*, and arms all the weight of his power against Mr. Sadlier, another.

But a second passage of the original is also (by a *similar accident*) omitted in this *erroneous* copy, though attested *upon oath* as complete and accurate. I mean the passage importing a distrust of the *Zemindars* in the Subordinate Councils, which had so cheated and oppressed them.—If the first of these passages had appeared, the hint of his own view to a share in the customary perquisite would also have appeared ; and the other passage would have shown that Sir Thomas Rumbold had cured the disease, by rescuing the patient from the worst hands in which he could have been left.

How did *this* President of *Madras* act upon the kind hint of the Subordinate Chief ? did *he* participate the *Nazir* with him, or engross the whole of it ? He provoked him and his confederates.—They had an interest that he should appear as corrupt as themselves.—Yet their keen enquiries have brought nothing to light against him,—and *he* points out, in his letter to his Masters, the good understanding which had long prevailed by system between his Predecessors and the Subordinates—Here then, I suppose, we must call him *indiscreet* again, because the supposition of his folly can alone enable us to accuse him.

If, Sir, he has broke any Law, civil or criminal, he abides the test without complaint:—But never let it be said that a Legislature of so generous a country made a Law for *him*, as a Political victim, unless they discover a corrupt or treacherous motive to his conduct, though legal, and a pernicious effect of it.

What's the fair and generous inference from his conduct, and the materials of it, compared?—That he may have thought *Sadlier's* letter sufficient as a guide, and secret confirmation, of his Political system, but an insufficient ground-work of a direct and criminal charge.

Punishment, if he had pursued that extremity, would have been an offensive and partial blow.—The reform which counteracted a general mischief, but made no distinctions of this or that culprit, where all were guilty of the same offence, perhaps in the same degree, was at once lenient and salutary.

If he had given to the Directors notice of *Sadlier's* letter in detail, he must have previously read that letter to the Board,—and accused *Whitbill*, a member of it;—others too would have been more indirectly but clearly marked.—The ancient custom having been thus exposed in a solemn and judicial form, all who had benefited by it would have been made *culprits of State*; and those who had paid for it would have been courted as *informers*.—Dissention upon dissention would have inflamed the Council, and *Sir Thomas Rumbold's* time would have been occupied in odious prosecutions. *Floyer*, one of the parties named by the informer, was in *England*—Will any man who feels the attention due to justice and humanity, say that *Sir Thomas Rumbold* could, as a man of honor, either to the Company or the individual concerned, give notice to the Directors against an absentee, without evidence, or upon evidence received behind his back, in a distant scene?

The execrable injustice of these random accusations from *Asia* to *Europe* has done, already, irreparable mischief to personal character, and the Company's real good; which a system of delicacy to the rights of justice between them and their Servants can alone enable them to sustain.—Calumnies of this kind have poisoned their minds against the best of their Ministers, whom it has been the selfish and little interest of private enemies to defame.

If I could say (but the talk of distinction is hard) *where* I think this Bill most cruel and most insidious, I would say it was *here*, where the pen catches at a whisper of confidence and friendship, moulds it into official, authenticated, and public accusation, then makes the concealment of it an offence, without a hint of the reform instituted by the party whom it accuses of that concealment, though it was a reform which corrected the poison by a perpetual antidote.

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If the House believe that *Sir Thomas Rumbold* was induced by a sense of private and personal honor to keep the secret;—that he considered the charge as unauthenticated;—that he had no view to the shelter and future indemnity of the parties accused, but wished rather to check *principles* and *habits* than to devote *personal victims*;—that, in the most critical juncture of public affairs, he accomplished his purpose by an arrangement which covered many parties unaccused, but as guilty as those who are pointed out by the informer.—If the concealment, so justified, is not in a political or legal view an injury to the public,—will this House, in its mixed character of legislative and judicial, exasperate a civil covenant, with its definite and pecuniary forfeitures, into a higher political contract new to the Law, armed with criminal penalties, and left at the mercy of a Judge whose power is absolute? Will they enact an offence for *Sir Thomas Rumbold* alone, which the legal institutes of the kingdom have in all ages overlooked, which is familiar to every day's practice, and which a man of true honor would commit at any hazard of his fortune, or even of his life?—Will they so act when they are not ripe for their knowledge of all the facts necessary to be known? One good effect of the *reform* is *known*; and it is, that if the accusation preferred by *Sadlier's* letter was true, the mischief pointed out is done away. The accuser must *assume* the *bad effect* of this *concealment*,—and how? by assuming the guilt of the parties whom *Sadlier* criminales, and whom the *Law* pronounces to be *innocent* up to the hour of their conviction, after an open trial. Another proposition must also be assumed; that wisdom and policy would have justified, in that awful crisis, a personal attack, either too short and mutilated for justice, or too extensive to leave any moment of time unoccupied:—and this, in preference to a radical extirpation of an inveterate *system*, by measures which produced all the good of a personal charge, without prejudice to the *policy* of *united Councils*, and without offence to the ingenuous duties of *private honor*.

Lease of the
Jagbire to
the Nabob of
Arcot for
Three Years.

THE next offence of *Sir Thomas Rumbold* is that of letting the Jagbire-lands to the Nabob of Arcot for three years.

That it was not a *corrupt* offence I have proved—"But it was a *disobedience of orders*."

Here (as before upon the Committee of Circuit) I shall first vindicate the internal policy and justice of the measure, because I never can believe it possible that a disobedience of orders which are impolitic to execute at the time, is an offence at this bar.

The situation of *Sir Thomas Rumbold* and the Council was this:—it was their special duty and office to save the *Jagbire* Estate from decay; to obtain the payment of an accumulated balance from the *Nabob* who rented that Estate, and conciliate his mind by their attentions to him:—but they were prohibited also to lett the *Jagbire* for more than one year, by an express order to that effect. The *Nabob*, though distinguished from all our *Eastern* allies by his attachment and ill-requited services, had never been alert in the payment of his arrear:—Old age had not improved him in that respect, for avarice was her companion. He owed at this time a sum far beyond any former balance; to the amount of *ninety thousand pounds*.—In this article of rent-arrear, it had been thought necessary to “*work upon his fears and soothe him by turns*”: I use that expression, because it is applied by *Sir Thomas Rumbold* himself to a similar address at the Court of the *Nizam*, and he is blamed for it by this *Utopian* accuser; though nothing is more common at Courts nearer to us than to make that policy an express article of instructions to Embassadors or Ministers, if the temper of those Courts makes it expedient so to manage them.

Having premised this general view of the situation to which the Council of *Madras* adapted their Politics, I shall dissect a little the nature of orders from the Company (represented by their Directors at home) to their Servants upon the *Indian Coast*.—Let me ask if an order of the Company had just arrived, enjoining, as a rule and principle of conduct, attention to the wishes of the *Nabob*, and with it an order of more special import, which, on account of circumstances (unforeseen when it issued) could not be executed without umbrage to him: how are the Servants to act under these orders?—Could there be a doubt that a faithful Council, judging of local events or apprehensions, in the case before us might obey the obvious principle of the general command, by dispensing with a literal prohibition found injurious to it? Admit, for argument-sake, that no circumstances of policy or of accident, pointing at the original prohibition of letting for more than a year, could have impaired the force of it: yet how are the Company's Ministers to act, when they see on the one hand an order, *special* and *peremptory*, to do what they are sure will disgust the mind of the *Nabob*, and see on the other hand a *general* order, *as peremptory*, to conciliate that mind?—They must reason thus: “We are either *at all events* to conciliate the mind of the *Nabob*, even “dispensing with special orders which can't be executed without “offence to him, or we are only so far to conciliate him as may be “attended with no prejudice to any express and special order: though “from circumstances unforeseen the execution of it may offend him “in a high degree.”

The dilemma can't be solved by a casuist; but, if I were his confessor, I should say, “cut the knot:—stand upon your own discretion; do

“ do what you think right for the Company under such embarrassing circumstances of duty, which can't in the *letter* of it be perfect. —
 “ If your policy should be erroneous, you will not be censured;
 “ if it should be able and useful, you will be commended for it.

But here we have not only a *general* order contravening the execution of another which is *particular*, but we have *two special orders* which, in the fair spirit of them, could not be reconciled under the circumstances which had arisen:—“ Let the *Jagbire* to the *Nabob*,”—says one of the orders; “ Let it only for a year,” says another.

Yet the alternative arising from the actual situation of the Company's affairs at the time was this: either to dispossess the *Nabob* of his land, or let him continue in it for a year. *He* had no objection to a lease for a year, upon the old covenants; but, if that measure had been adopted, the *Jagbire* would have been useless to *us*, because repairs, at a considerable expence, were necessary to save it from decay, and the natives from a famine. The Board must have disobeyed a *positive* and *special* order, if they had forced him out of the land, by insisting upon terms which he could not, or would not, accept.—On the other hand, unless the term had been so enlarged as to court his acceptance of new covenants for the repair, at this critical period they would have been answerable for an important, perhaps fatal, blow to the revenue: he would have been less able and willing to pay his balance, and the repairs would have been desperate; for the Company's treasure was unequal to them.

Two competitors of the *Nabob* offered themselves to the Council as renters of the *Jagbire*. It has been stated that the resolution of the Board at *Madras*, to advertise for proposals from those who would rent the *Jagbire*, was baffled by the subsequent preference of the *Nabob*.—But the observation is very inaccurate: they intended the advertisements by way of spurs to the *Nabob*; and the competition produced that effect:—they *could* not remove him from the land, and these advertisements were calculated for the best information of the value which they could obtain. One of the competitors did not like the conditions imposed, and refused them; the other jumped at them, and would have jumped at fifty more, as, according to the model at *Bengal*, an *adventurer* can risk nothing by the most *liberal* promises. The whole Board were of opinion that neither of these propositions could be accepted; and the *Nabob* was not preferred *as Nabob*; he was the *best bidder*, not in the *literal* sense of the word, a best bidder at an auction, but in the only *rational* sense of it; he offered the most beneficial terms which could be ensured.

But is he perfectly a cypher in the account, *as Nabob of Arcot*? A few days ago, a celebrated orator and statesman of this age, in a *chef-d'œuvre* even of *his* eloquence, upon the subject of the Peace, lamented our injurious treatment of this faithful, and *only faithful* ally, as he was emphatically and truly called. He was the Sovereign Lord of this very

and gave it as a boon to us:—Cooped and pent up in our little *dove-cote* of *Madras*, what efforts could we have made if *he* had not stood our friend, and enlarged our dominion, by parting with land of his own for the purpose? land in which he took as much pride, as an *English* freeholder takes in his garden or his field.—Yet the Bill is angry with *Sir Thomas Rumbold* for preferring this benefactor and parent of the Company, even as *renter* of the land which he loved, which he had recently given to us, and for which he offered the best (*efficient*) price of the market.

The value of the *Jagbire* has been ascertained by a correct, but very tedious and strict inquisition, which hung over it seven or eight years, in the hand of *Mr. Barnard*, an engineer—Compare that value to the rent paid by the *Nabob*, and the latter will be found of superior amount.—Said the *Nabob*, “Let me have the *Jagbire* for one year upon the old covenants.”—“No,” said the Council, “for such is the decayed and impoverished condition of the *Jagbire*, and such the distress of our treasure, that we must, on the one hand, ensure the repairs necessary to uphold the estate; and, on the other hand, we must not think of paying for them with our own scanty purse, now that a war in the country calls for at least every *actual* fund at our command, and imposes upon us the obligation of strict, we may almost add penurious æconomy: *you* must therefore be at the expence of the repairs; heavy as it is, *yourself*,” they *could* not add, “*or you shall be dispossessed*,” because they had *special* orders from the Company, directing them to continue the *Nabob* in the *Jagbire*, and *general* orders to conciliate his mind.

I admit the Council to have known that it had been in the view of the Company, at one period of their fluctuating politics, to dispossess the *Nabob*; and that in order to that measure, when it should be fit, they had made a point of confining his term to a year. But that circumstance, if it was fairly analysed and understood, would furnish a decisive argument in favor of the lease for *three* years, at this particular juncture, and with all the new covenants annexed.

First, because at the time of this prohibition the Directors, who are never fixed in one system of politics, had suddenly formed the most bitter prejudices against the *Nabob*, and in their celebrated letter of April, 1775, imposing a restraint upon the term of his lease, I discover no traces of respect, or even justice to him, but a determined spirit of insulting and wanton provocation, as the recompence to him for his uniform zeal in our cause. At this time we became partizans for the *Rajah of Tanjore*, and prepared for a civil war, in opposition to the declared wishes of the *Nabob*: I don't arraign that measure, but I state it as a too probable solution of the peevish and impolitic satire upon him in other articles of arrangement respecting him, upon a mere apprehension that he would oppose our designs in this revolution—Whereas, in *Sir Thomas Rumbold's* Government, the tables were turned.—The *Nabob* had then recovered the Company's favor; and strong,

strong, though general directions, were given to the Settlement at Madras, in his honor and favor.

But, in the *next place*—if this prohibition itself be examined, we shall find the declared *principle* of it met and satisfied by the lease for *three years* in 1778—For the view of this annual term is marked by the context—in substance thus: “keep him to an annual term, that “we may turn him out at some fitter season, *unless* he will *consent to “our conditions*”—those conditions are not *expressed*, I agree, but they are clearly *implied* and *understood* by the former correspondence upon the subject between the Directors and the Council of Madras, who had stated with great anxiety all the objections to the continuance of the *Jagbire* in the hands of the *Nabob*—The conditions therefore in view could only be such as would meet those objections—Aware of this reasoning, the Council of Madras, and Sir Thomas Rumbold their President, are not only solicitous to ensure the repairs, and the revenue of the district, by the most pointed conditions relative to those articles, but they add other covenants, which remedy *all* the inconveniencies alleged, as likely to result from a further lease to the *Nabob*.

At first the *Nabob* rejected those conditions, but his passion for the land overbore him, after a time; and he acquiesced.—If the House will compare this to any other lease of the *Jagbire* since it was our land, they will do an act of justice to the party accused; for by that comparison they will see that Sir Thomas Rumbold, this “*friend*” and *partizan* of the *Nabob*, this *corrupt agent* of his will,” compelled him to accept the most humiliating conditions; and such as the Company had never dreamt of imposing upon a Sovereign of such rank and pride. Lord Pigot, who in executing the orders of the Company, relative to the *Nabob*, was a faithful Servant, attempted this just, though hazardous restraint upon his power. He recommended covenants which, if they had been adopted, would have tended, in great measure, to avert the embarrassments of the Council, upon the subject of his arrear, and of the district which he rented.—But his Council (such are the *advantages* of a disunited board; which, to their *dishonor*, Sir Thomas Rumbold’s Council declined) protested against the covenants, and prevailed.

Having stated these facts and arguments, I recur again and again to the alternative before us. “Conciliate the *Nabob*”—say the orders—“conciliate him” (says the juncture) “and attach him to “the Company, in this critical moment of a dangerous war”—“Let “him continue in his land (say the Directors) because he loves it, “because he has been our faithful ally, because it would be ungenerous and base to consider him as a common renter of his favorite “land, which he gave to us, and which he has rented of us ever since; “not with a view to the revenue of it (for in that respect it is a losing “bargain to him) but with a view to the indulgence of his partiality “for the district, and his local consequence as the nominal Sovereign “of it.”—These ideas, or most of them, are strongly urged in a

letter of the Directors, prior to that of 1775—they add indeed, in answer to the Council of *Madras*, who recommended the *dispossession* of the *Nabob*, that all *their* objections will be cured *by a lease from year to year*—The event has proved that opinion erroneous; for every inconvenience objected, has been heightened by this compromise between the *total dispossession* and a *longer term*.—In the letter of 1775 they prohibit upon very different principles, but in peremptory terms, a lease for more than a year. If this were all, *Sir Thomas Rumbold*, and the Council, though convinced that a lease from year to year, without new conditions annexed, would baffle the intended policy of the Directors in their first recommendation of it, would yet have been compelled by the *letter* of the subsequent *prohibition*.—But look to the other side of the alternative—In both of the letters alike, the sole and professed view of a restraint, was to guard against the want of certain conditions: the *Nabob* refused them, if the lease was to continue for an annual term; the interest of the Company, upon exigences of the minute, required the peremptory demand of those conditions; the option left, was to dispossess, a measure which the letter of *one* order disabled; or court the acceptance of the conditions by a longer term; and there *another* positive prohibition stared them in the face. Which of these *two literal* orders were to be *disobeyed*?—I answer, that which may be *disobeyed* without offence to its *principle* and *spirit*—what reason could have been urged for the *dispossession*? all arguments of policy at the moment confirmed the general wisdom of continuing the *Jagbire* to the *Nabob*; and if, through any medium of literal *disobedience* to one of two or more *contradictory orders*, the general *principle* apparent in *all* of them could be *obeyed*, who shall hesitate upon the choice? A centre of union, which reconciled every syllable upon the subject, was this; to impose the conditions: inasmuch as the want of *them* alone formed the policy of taking the land from the *Nabob*, and limiting his term with a view to that measure. Nor does the argument rest there: earnest, repeated and recent orders told the Council that he, the *Nabob*, was to be convinced of the Company's affection to him—*how* convinced? upon paper? and by professions; at the time of refusing to him that which of all other objects he is known to have most at heart?

These Princes of the East have a certain shrewdness in them, for which the cunning men of *Great Britain* will not give them a sufficient credit. *Sir Thomas Rumbold* once called upon the *Nabob* for troops—He gave him in return a paper, ordering some payment or other upon a military account—*Sir Thomas Rumbold* addressed him thus, “I ask for troops, and your Highness gives me paper.”—He turned upon his heel, and said, “Your masters give me nothing else.”

The lease for three years granted by the Council in 1778, expired in 1780—It is now 1783; I ask, in whose hand is the *Jagbire* at this hour? Has the *Nabob of Arcot* been dispossessed? Have competitors been preferred? are his arrears accumulated? are the natives oppressed? have the cultivators emigrated? Is the country wasted? Have the re-

pairs been with-held? Has any *one injurious consequence* arisen from the measure? As it happened, the lease for *three* years was to all intents and purposes the same in its effect, as if it had been a lease *from year to year*, except in the difference of these conditions, which the longer term could alone have enabled us to obtain—The orders from the Company disapproving of the new lease arrived after *two* years of the term were expired; they directed the continuance of the *Nabob* for his *third* year—If the lease had been from year to year they would have done the same thing in a different shape: Where then is any difference between these measures but a difference of good?

One material feature of the new conditions imposed upon the *Nabob* was the repair of *Tanks*, or the reservoirs, which in that country are essential for the purpose of saving the agriculture from any sudden violence of the torrents—The expence of that repair had been estimated at 65,000 Pagodas.

To shew the importance of a reasonable term in its effect upon the revenue and the security of the natives, I have adduced many arguments relative to the *Zemindary* tenures: but upon this topic of the *Jagbire* we have a decisive proof upon figures. The *Nabob* first rented it for a term of seven years: for a period of seven other years he rented it from year to year. During the former tenure the revenue decreased, and the oppression of the natives by the *Nabob's* agents increased in proportion—During the improved system the account was inverted in both respects; the *Nabob* grew negligent, the cultivators followed his example, *he* slept over *their* sufferings: *they* in return slept over *his* land; the Revenue failed, and the natives complained of oppression—In short, if I can read the Directors at all, their *principle* is (and the Council acted upon it with singular address) “Encourage the *Nabob's* attachment; continue the *Jagbire* to him, guard the natives against oppression, save the district, ensure the revenue and compel *his* payment of the rent.”

I have said that no *injurious* consequences have arisen from the measure; but have no *beneficial* consequences been approved as the result of it—I am to inform the House (and shall prove the fact) that such an amount of revenue has been paid by the *Nabob* since he accepted the conditions (which made the discharge of his balance an essential part of the contract) as never had been received into the Company's treasure within the same period of time—his affection has been, I won't say *produced* (for it never had failed) but *encouraged* and *improved*—we have repaired the Estate at *his* cost in place of *our own*, we have blessed the natives by an immediate and direct appeal from tyrants in office to the Council at *Fort St. George*—we have enabled ourselves to see *every* condition performed, by sending officers into the district for the purpose of additional security and controul.

Where is the *bad motive* to this measure, which has *consequences* at once beneficial to the *Nabob*, to the cultivators, and ourselves? Be-

fore I close the subject, I ^{would} contrast the servant upon a very high ground of political action to his employers at home. I have proved over and over again the duplicity of *their* councils, and the want of uniformity in their system. If all they have said or done to the *Nabob* were put into a book, you would be amazed at the shift and caprice of it:—at one time they are his obstinate partizans, at another they refuse to do him justice: but, in *Sir Thomas Rumbold's* conduct, I see the uniform pursuit of *principle* and *system*, without reference to personal distinctions:—for example, in the conditions which I have stated, he directs an immediate appeal to *Fort St. George*, and opens a channel of redress to the natives.—He had observed the same policy in his conduct by the Subordinates. In the enlargement of the term for which the *Jaghire* should be lett, he acted upon *system*: it was no favor to the *Nabob* who preferred and solicited the annual cowl;—but he looked at the situation of the Company's affairs, and saw the necessity of ensuring a permanent revenue.—Upon that same *principle* he acted, when he enlarged the term of the *Zemindary* tenure: in one of the cases put, he courted an improvement of tribute as well as the security of it, in the other he courted the renter into an expensive but essential repair, by the same act which ensured the payment of a most valuable revenue.—If his fidelity and zeal had been cramped by the *letter* of this prohibition, and he had let the *Jaghire* to another tenant, by doing which, in the commencement of this war, he had thrown the *Nabob* into the enemy's hand; if he had either paid for the repairs by the help of a loan from the subsisting treasure, perhaps fatal to the impoverished resources of the settlement, or had neglected those repairs, and lost the benefit of the current revenue, as well as endangered the receipt of this accumulated arrear, what must the Directors have said?—“ You feared the loss of your own employment, and preferred that of our possessions, entrusted by a generous but improvident confidence into your trembling hand:—*orders*, in general, should be *executed*; but we might as well have a *Ticket-Porter*, and call him *President of Madras*, unless it were understood between us that *some* discretion was reposed in the objects of our *political* confidence, operating upon events and local circumstances, which may render the execution of one order injurious to another of more importance, or make *literal disobedience* in one view *perfect obedience* in another, to the *letter* and *principle* united.”

“ You had the *Nabob* at an advantage.—By means of the term you could have tempted him to all the conditions which our policy asked of him; but you abused this obvious discretion, and picked out of a *system* upon the subject easily understood and pursued, one churlish prohibition, which you obeyed with an imminent hazard, and almost a certainty of the fatal events which arose from it in fact.”—Singular, indeed, is the fate of my honorable Client; for I undertake (and will do it amply before I close the defence) to reverse every accusation against him, upon grounds of arraignment which I defy him, or the first abilities of our profession, pleading for him at this Bar, to look in the face.

